

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-21313-2020
Date of decision: 15.09.2020**

Kabal Singh**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Sanjeev Kumar Arora, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 40 dated 16.04.2012 , registered under Sections 302, 307, 148, 149 and 120-B of the IPC and Sections 25, 27 of the Arms Act, 1959 at Police Station Balachaur, District Shaheed Bhagat Singh Nagar (Nawanshahr).

The first petition, bearing CRM-M-16463-2019, was dismissed as withdrawn on 05.02.2020.

Learned counsel for the petitioner submits that as per the prosecution version, the FIR was registered at the instance of complainant Gurmeet Kaur who stated that her son Ranjit Singh performed love marriage with Gurmeet Kaur @ Jasmeet Kaur and this was not liked by the family of her daughter-in-law and on the date of incident, at an eating point, five persons, including Dalbir Singh, Gurnam Singh and Gurdev Singh, fired fatal fire arm shots at Ranjit Singh and caused injuries to his

wife as well.

Learned counsel for the petitioner submits that new ground for filing the present petition is that now the statement of sole eye-witness PW-5 Gurmeet Kaur @ Jasmeet Kaur, wife of deceased Ranjit Singh, has been recorded and she has not supported the prosecution version and has not named the petitioner as one of the assailants. Learned counsel further submits that PW-5 was declared hostile and in cross-examination by the public prosecutor, she has denied to have made any such statement either before the Court under Section 164 Cr.P.C. or before the police.

Learned counsel further submits that in all there were 07 accused, who were nominated in the FIR and out of them, Gurnam Singh and Gurdev Singh, who faced full length trial, have been acquitted vide judgment dated 08.05.2015, whereas petitioner Kabal Singh, co-accused Dalbir Singh, Nishan Singh, Angrez Singh and Pulwinder Singh were declared proclaimed offender and while acquitting the aforesaid two co-accused, the trial Court has recorded a finding that PW-5 Gurmeet Kaur @ Jasmeet Kaur has not come forward to support the case of the prosecution and the mother of deceased Ranjit Singh, namely Gurmeet Kaur, was not present at the spot as her village is at a distance of 18 Kms. from the place of occurrence.

Learned counsel further submits that petitioner is in judicial custody for the last more than two years and the sole eye-witness to the incident, i.e. PW-5, has not supported the prosecution version.

Learned State counsel has not disputed the factual position that aforesaid two co-accused, who faced full length trial, stand acquitted by the trial Court and since the petitioner was not arrested, he was declared a

proclaimed offender and later on, he was arrested and is in judicial custody for the last more than two years.

After hearing learned counsel for the parties, without commenting anything on the merits of the case, considering the facts and circumstances of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

15.09.2020
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No