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

CRM-M No. 21936 of 2020

Date of Decision: 04.11.2020

Karamjit Singh

-Petitioner

Versus

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Vishwajit Bedi, Advocate, and
Mr. Sunil Pandey, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, D.A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner in his second attempt seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.51 dated 03.06.2016 registered under Sections 302, 307, 323, 411, 414, 148, 149 IPC and under Sections 25/27/29/54/59 of Arms Act at Police Station Rajasansi, District Amritsar (Rural).

CRM-M No.42907 of 2018 was got dismissed as withdrawn.

The trial Court was directed to expedite the trial by giving short adjournments and to adjourn the case on day to day basis. The Investigating Officer was also directed to produce all the remaining witnesses for examination before the trial Court at the earliest.

As per prosecution case, FIR was registered on the basis of complaint made by one Pardeep Singh who alleged that on 03.06.2016, he along with his elder brother Malkiat Singh had gone to Bus Stand on a motorcycle for some domestic work. When they were coming back to their village along side bank of canal, one Swift car came from behind and struck into the motorcycle of the complainant. Both the brothers fell down towards canal side. Five persons came out of the car. Ranjit Singh was armed with 315 bore rifle, Bikramjit Singh was armed with 12 bore gun. Petitioner was armed with a pistol. Rajbir Singh was having a small weapon. One unknown person was also accompanying them. The complainant alleged that he could identify that unknown person if produced before him. All the assailants started firing shots from their respective weapons on the complainant as well as on his brother Malkiat Singh. Complainant and his brother Malkiat Singh started running in order to save them. The complainant went towards the bank of

canal whereas his brother Malkiat Singh fell down due to hitting by bullets below his chest. Complainant saw from the bushes that all the assailants fired bullets with their respective weapons on the person of Malkiat Singh on the chest, below the chest and on the face. After killing Malkiat Singh, they fled away from the spot. The complainant further alleged that about 05 years ago, one person was killed by his brother namely Kuldeep Singh. Due to that grudge, the assailants have murdered Malkiat Singh and have also injured the complainant.

Learned counsel for the petitioner submits that out of five accused persons, Rajbir Singh, Bikramjit Singh and Jagdeep Singh have been granted bail. Petitioner and Ranjit Singh are in custody. The alleged role of the petitioner vis-a-vis the injuries on Malkiat Singh cannot be segregated. Allegations are that one of the gun shot fired by the accused persons hit Malkiat Singh and he had received pellet injuries on his right leg. When Malkiat Singh fell down, all the accused came near to him and again fired on the person of Malkiat Singh with their respective weapons in order to kill him.

Learned counsel for the petitioner further submits that the complainant has concealed origin and genesis of the occurrence by not explaining the injuries on the person of the petitioner. Petitioner had to file a criminal complaint i.e. Case No.30 of 02.08.2017 before the Court of Sub Divisional Judicial

Magistrate, Ajnala. The Court has taken cognizance of the complaint and has passed an order of summoning dated 04.01.2018 on the basis of preliminary evidence adduced by the petitioner. Kuldeep Singh and the complainant have been summoned as accused persons to face trial for the offences under Sections 307, 341 read with Section 34 IPC and Sections 25/27/54/59 of Arms Act. In the said criminal complaint, factum of murder of Gurinder Singh in the year 2012 is the subject matter. He was murdered by Kuldeep Singh, brother of the complainant and he was convicted. On 03.06.2016, at 6.30 PM, when the petitioner along with his uncle Ranjit Singh went to buy a medicine from the shop at bus stand in their car and when they were returning to the village, then Kuldeep Singh, Malkiat Singh and Pardeep Singh were found standing by parking their motorcycle on the road. They signalled the car to stop. Due to fear, petitioner did not stop the car and hit the motorcycle. The car ultimately came to a halt. Complainant fired from his pistol. When the petitioner was in the process of coming out from the car, pellets hit him on his back, whereupon, petitioner also took his gun from the car and fired back. Pardeep Singh and Malkiat Singh started running. Petitioner also ran away from the spot.

According to the version of the petitioner, complainant party opened fire upon him with an intention to kill him. Malkiat Singh and Kuldeep Singh came on leave from jail and abused

the petitioner and also gave threats of killing by treating him at par with Gurinder Singh, who was earlier murdered.

Learned counsel for the petitioner further submits that the stand taken by the petitioner in the complaint case would be read strictly in terms of defence available to him in the given situation.

Petitioner is in custody since 13.06.2016 i.e. about 04 years, 04 months and 21 days as on 03.11.2020. The trial has not made any significant progress in view of situation arising out of pandemic COVID-19.

Vide order dated 04.10.2018, direction was issued by the High Court to expedite the trial. Till today, out of 22 prosecution witnesses, only 02 prosecution witnesses have been examined.

This fact has been admitted by learned State counsel on instructions from ASI Darshan Singh. Now, the next date for prosecution evidence is fixed in January, 2021.

Learned State counsel submits that the weapon used by Ranjit Singh was infact belonged to Rajbir Singh. Rajbir Singh facilitated Ranjit Singh to fire from his licensed weapon, even though no injury was attributed to Rajbir Singh.

It would remain debatable as to the composition of family, whether Rajbir Singh and Ranjit Singh were living jointly and the weapon belonging to Rajbir Singh was used by his

uncle.

Taking into consideration the custody of the petitioner, stage of the trial and also in view of situation arising out of pandemic COVID-19, I deem it appropriate to enlarge the petitioner on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

04.11.2020

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No