

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

SANJIV KUMAR SHARMA
2020/11/11 17:02
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CRM-M-27122-2020 (O/M)
Date of decision : 10.12.2020

Baljot Singh Petitioner (s)
Versus
State of Punjab Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. G.S. Simble, Advocate for petitioner.
Mr. Sukhbeer Singh, DAG Punjab.
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HARINDER SINGH SIDHU, J.

The case is taken up through video conferencing on account of COVID 2019.

This is a petition filed for grant of regular bail in case FIR No. 24 dated 18.3.2020, registered under Sections 302, 307, 336, 450, 427, 506, 148, 149 IPC and under Sections 25, 27, 29 of Arms Act, 1959 at Police Station Shri Hargobindpur, Police District Batala, District Gurdaspur.

FIR was lodged on the statement of one Amarjit Singh who stated that his uncle's son Sukhmanjit Singh, Gursimran Singh and Rana Vishavjit Singh were studying in AVM School, Qadian. One Sahil was also studying in same school. Some days earlier, a minor altercation had taken place between Sahil and his uncle's son Sukhmanjit Singh. On 16.3.2020, complainant and others had gathered at Petrol Pump Harchowal for effecting compromise between them. One Lakha Singh, resident of Harchowal got angry at the recording of compromise. He threatened complainant party by saying that they will see them afterwards. On 17.3.2020, at about 10.30 pm, when complainant and his family members were about to go to bed and lights of courtyard were glowing and complainant was standing in first floor, then he saw Lakha Singh, Malkit Singh, Amritpal Singh and Sahil alongwith 8-10 unknown persons entered complainant's house. They were armed with deadly weapons. Lakha Singh raised lalkara. Thereafter, they fired upon entire family. They fled away after firing. Complainant saw that his mother Jasbir Kaur received fire shot injury, his father Niranjan Singh had received fire shot injury on his forehead, his aunt Narinder Kaur received fire shot injury on her arm and her grandfather Partap Singh received fire shot injury on his leg. They all were lying in injured condition. After arranging conveyance, they were taken to Government Hospital, Bham where doctor declared his mother Jasbir Kaur dead.

On 7.4.2020, complainant recorded his supplementary statement wherein he stated that on 18.3.2020 he could not name all persons involved in fight as he was perplexed. He lodged FIR against only Lakha Singh etc. and 10 unknown persons. He and his family searched unknown persons on their own and they believe that Karamjit Singh alias Karan, Baljeet Singh, (petitioners), Amritpal Singh alias Amit, Justin alias Jassa, Sagar, Sarabjit Singh alias Avi, Jasbir Singh alias Jassi and Harmehakpreet Singh were the persons alongwith Lakha Singh on the day of occurrence. He has earlier also seen these persons roaming with Lakha Singh in Hachowal. These persons were also responsible for death of his mother Jasbir Kaur.

Learned counsel for petitioner has contended that petitioner is not named in the FIR. He has only been named in the supplementary statement about 20 days thereafter. Even in the supplementary statement, it is not clear whether complainant had actually seen petitioner accompanying Lakha Singh. It appears that petitioner has been named only after he has been identified on the social media with Lakha Singh. He stated that investigation in case is complete. No recovery has been effected from petitioner. Petitioner is in custody since 9.4.2020. Other than supplementary statement of complainant, there is no evidence against petitioner connecting him with crime.

Learned counsel for petitioner has argued that petitioner is a student studying in 10+2. He had appeared for his 10+2 examination on 13.3.2020, 18.3.2020 and 26.3.2020. He has further argued that if petitioner has been involved in occurrence, petitioner would not have appeared in the examination but would have taken steps to conceal himself.

Keeping in view the facts and circumstances of case and without expressing any opinion on merit of case, in my opinion, no useful purpose will be served by detaining petitioner behind bars any further. Petition as such is accepted. Petitioner Baljot Singh is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(HARINDER SINGH SIDHU)
JUDGE

10.12.2020

sjks