

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

**CRM-M No.26499 of 2019 (O&M)
Decided on: 04.02.2020**

Jatinder Singh @ Manni

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Vinay Kumar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. M.S. Basra, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.64 dated 27.12.2016, for offence punishable under Sections 302, 307, 148, 149 of the Indian Penal Code, 1860 (in short 'IPC') and 25, 27 of the Arms Act registered at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur.

The earlier one was dismissed as withdrawn on 17.07.2018.

Brief facts of the case are that the FIR was registered on the statement of Kamaljit Singh with the allegation that his father Rur

Singh and uncle Gurmukh Singh were jointly cultivating the land. On 25.12.2016 in the afternoon, his father was working in the fields when Nirmal Singh @ Nimma and his son J.P., Buri, Gora @ Billa s/o Mamman and the other two unidentified persons along with their dogs entered the sugarcane fields for poaching. The complainant and his father stopped them on the ground that they belonged to Namdhari religion and they do not believe in hunting of animals but they did not listen to them and J.P., started abusing them. Thereafter, the complainant and others came back to home. Again on 27.12.2016, when they were working in the fields, they saw 14-15 persons armed with weapons coming from the side of Dera of Nirmal Singh @ Nimma towards their fields and they stopped at some distance and at that time, J.P. was armed with 12 bore rifle, Manni (the petitioner herein) armed with pistol, Sucha Singh armed with 12 bore rifle, Meharban armed with pistol, Gora @ Billa armed with dater, Buri armed with dater, Amna armed with pistol and other 7/8 persons armed with their respective weapons, started abusing them. Thereafter, Nirmal Singh @ Nimma raised a lalkara to teach them a lesson and J.P. fired directly with his 12 bore rifle on his uncle Gurmukh Singh and Sucha Singh also fired with his 12 bore rifle upon his uncle Gurmukh Singh, which hit on his different parts of the body and he fell down. Meharband armed with pistol fired upon the complainant which hit him on his wrist of left arm and Manni fired with pistol on his cousin brother Dalbir Singh, which hit him on his wrist of left arm and Aman also fired upon them and the other accused also gave injuries with their respective weapons.

Counsel for the petitioner has argued that the petitioner is in long custody i.e. from 12.01.2017 and the case is still at the stage of recording the prosecution evidence. It is further submitted that some of the accused have already been granted the concession of regular bail by this Court and some of the accused who were summoned under Section 319 Cr.P.C., have also been granted the concession of anticipatory bail.

In reply, counsel for the State, on instructions from ASI Baljeet Singh and assisted by counsel for the complainant has, however, opposed the prayer for bail. It is submitted that the petitioner is one of the main assailant who has caused injuries using his fire arm, in which the uncle of the complainant namely Gurmukh Singh died. The petitioner is attributed fire arm injury to Dalbir Singh. It is further stated by counsel for the State that Dalbir Singh's examination-in-chief, has been recorded and he has duly supported the prosecution version and has identified the petitioner as one of the assailant. It is further argued that even the complainant Kamaljeet Singh has appeared and has duly supported the prosecution version.

After hearing the counsel for the parties, I find no merit in the present petition and the same deserves to be dismissed.

A perusal of the orders pertaining to the co-accused, relied upon by counsel for the petitioner, show that they were not attributed any serious injury and some of the accused who have been granted the concession of anticipatory bail were summoned under Section 319 Cr.P.C.

Considering the allegations against the petitioner and also in view of the fact that both the complainant and eye-witness have duly

supported the prosecution version, I find no ground to grant the concession of regular bail merely on the ground of long custody of the petitioner.

Accordingly, the present petition is dismissed.

04.02.2020

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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No