

Parveen Singh

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rajbir Singh, Advocate for the petitioner.

Mr. Rajesh Bhardwaj, Sr. DAG Punjab.

Mr. Lakhwinder S. Sidhu, Advocate
for the complainant.

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VIVEK PURI, J. (ORAL)

An FIR bearing No.24 dated 12.03.2017 under Sections 302/307/148/149/120-B IPC and Section 25/54/59 Arms Act, 1959 has been registered at Police Station Bareta, District Mansa on the basis of the statement of Raivarinder Singh alleging that on 12.3.2017, his brother Raitajinder Singh and three friends namely Rajinder Kumar @ Raju, Maninder Kumar and Sukhwinder Singh had to go to Budhlada for some domestic work. His brother told the complainant that he will be visiting the Truck Union. At about 9.50 A.M. they reached the office of Truck Union. His brother Raitajinder Singh, Rajinder Kumar and Sukhwinder Singh were talking with each other whereas the complainant and Maninder Kumar were standing at a distance of about 20 feet from them. At about 10.20 A.M. Binder Singh, President of Truck Union, Bareta along with Gurpreet Singh, Goldy, Parveen Singh (petitioner) and four unknown persons came at the

spot who were armed with iron rods. They rounded up Raitajinder Singh, Rajinder Kumar and Sukhwinder Singh. Gurpreet Singh exhorted the co-accused and Goldy took out a pistol and fired at Raitajinder Singh which hit near his left ear. Binder Singh fired from his pistol at Rajinder Kumar which hit on the left side of his head. Both of them fell down and blood was oozing out from the injuries. Sukhwinder Singh ran towards the road and the petitioner took out the pistol and fired upon Sukhwinder Singh. The gun shot hit his left shoulder and as a result, thereof he fell down. Goldy and Binder Singh again fired gun shots. Sukhwinder Singh was also attacked with iron rods. An alarm was raised and the people were attracted at the spot. The assailants managed to slip away.

It has been stated by learned counsel for the petitioner that Avtar Singh @ Amana, co-accused has been granted bail. Furthermore, Sukhwinder Singh has already been cross-examined. The petitioner has been acquitted in the case bearing FIR No. 110 dated 27.11.2016, Police Station Bareta and is on bail in the case bearing FIR No. 80. Moreover, it has been argued that injury attributed to the petitioner falls under Section 325 IPC and some of the accused have been found innocent. His earlier application for bail was dismissed vide order dated August 29, 2018 and now there are significant change of circumstances.

On the contrary, it has been argued by learned State counsel that serious allegations have been levelled against the petitioner. The occurrence had resulted in the death of two persons and one person has been injured. The petitioner had fired from pistol and had played an active role in the commission of crime.

regular bail vide order dated 20.4.2018 but it may be mentioned here that no specific injury was attributed to him. Moreover, he was granted bail prior to the order dated August 29, 2018 vide which the earlier bail application of the petitioner has been dismissed by this Court. It may be true that petitioner is either on bail or acquitted in other cases but in the instant case occurrence has resulted in the death of two persons and attempt to murder has been made upon Sukhwinder Singh. An active role in the commission of crime has been assigned to the petitioner who had fired gun shot upon Sukhwinder Singh with an attempt to kill him. Even if cross-examination of Sukhwinder Singh has been recorded, it has not been disputed that he has supported the prosecution version and implicated the petitioner.

Keeping in view the totality of circumstances, no justified ground is made out to extend the concession of regular bail to the petitioner.

Dismissed.

15.01.2020

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No