

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

207

CRM-M-49612-2019

Date of Decision: 14.10.2020

Gurpal Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Arun Kumar Tyagi

Present : Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Bhupender Beniwal, Asstt. A.G., Punjab
for the respondent-State.

Mr. Navkiran Singh, Advocate
for the complainant.

ARUN KUMAR TYAGI, J.(Oral)

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

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, “the Cr.P.C.”) for grant of regular bail in case FIR No.33 Dated 20.04.2017 registered under Sections 148, 302, 307 and 427 read with Section 149 of the Indian Penal Code, 1860 (for short, “the IPC”), Sections 25 and 27 of the Arms Act, 1959 and Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Jhunir, District Mansa.

The above said FIR was registered on statement of complainant Prem Singh who alleged that he and Balwinder Singh @ Binda have taken contract for washing the solar plant at village Khayali Chehalanwali for one year. About 5-6 days back Sewak Singh asked him

to leave the contract and when he said that they will leave the contract on expiry of the term, Sewak Singh asked him to come to the shop of Balwant Singh. When he went there 5-6 others person who accompanied Sewak Singh asked him to give in writing and Sewak Singh took out pistol on which he came back. On 19.04.2017 at about 09:00 P.M., when he, his brother Tarsem Singh and Sukhwinder Singh were coming back from the solar plant in their Indica car, four cars Swift, Bolero, Xylo and Scorpio came from the side of the village and one of the cars make Swift hit their Indica car. Sewak Singh armed with pistol, Jagga Singh armed with 12 bore gun and another Jagga Singh, Binder Singh and Satnam Singh armed with pistols, Aman Sandhu armed with iron rod, Deep Sandhu armed with handle of water pump, Aman Verma armed with stick, Sarabjit Singh and Balwant Singh armed with rod, Gurpal Singh armed with stick, son of Amana Singh armed with rod and another person armed with stick along with 6-7 unidentified persons holding stick alighted from the cars. Sewak Singh fired from pistol on the chest of his son Sukhwinder Singh who fell down. Thereafter, Jagga Singh fired with his gun towards him (the complainant) and the gun shot hit his left arm and right side of the head. Other Jagga Singh, Binder Singh and Satnam Singh fired towards them. The accused damaged their car with rods and sticks. When they raised alarm the above-said person fled away in three cars leaving swift car on the spot. Sukhwinder Singh died on the way to the hospital.

Pursuant to registration of the FIR, police investigated the case and on completion of investigation filed charge-sheet against six persons including the petitioner.

The petitioner, who is in custody since 09.05.2017, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. As per the allegations made in the FIR, the petitioner was armed with stick. There is no specific attribution of causing of any injury to the deceased or the complainant by him. The cross case regarding the same occurrence was registered against the complainant party on statement of Gurpal Singh. After recording statement of the complainant, the case is pending for hearing on application filed under Section 319 of the Cr.P.C. Co-accused Satnam Singh and Jagtar Singh @ Jagga Singh @ Jagga have been granted bail by this Court vide order dated 10.09.2020. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel and learned counsel for the complainant have argued that the petitioner actively participated in commission of murder of Sukhwinder Singh and causing of injuries to the complainant. In view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation, role attributed to the petitioner, parity with similarly placed co-accused Satnam Singh and Jagtar Singh @ Jagga Singh @ Jagga who have been granted bail by this Court vide orders dated 10.09.2020 and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.10.2020*Vishal***(ARUN KUMAR TYAGI)
JUDGE**

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No