

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

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**CRM-M-332-2021(O&M)
Date of Order: 15.11.2021**

BHUPINDER SINGH

..Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. A.S. Atwal, Advocate, and
Mr. B.S. Bajwa, Advocate
for the petitioner.

Mr. B.S. Sewak, Addl. A.G., Punjab.

Mr. Monty Goyal, Advocate
for Mr. J.S. Thakur, Advocate
for respondent No.2.

ANIL KSHETARPAL, J(Oral)

Sh. Sukhdeep Singh @ Deepa was granted the concession of bail

vide order dated 27.07.2020, which reads as under:-

“The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner pending trial in FIR No. 247 dated 10.11.2017, registered under Section 307/34 IPC read with Section 25/27/54/59 of the Arms Act, 1959 at Police Station Goraya, District Jalandhar.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Jalandhar in the following paragraph:

“Perusal of the file reveals that the present case has been registered against the accused-applicant alongwith his co-accused on the basis of statement of Surinder Pal who in his statement specifically submitted that he is member panchayat of village Paddi Khalsa. On 09.11.2017, at about 1:30 P.M., he was standing outside the gate of his house, where his friend Bhupinder Singh came and started talking with him where his wife Rekha and brother Rajinder Kumar also reached. In the meantime, accused-applicant Sukhdeep Singh @ Deepa along with his co-accused Gurpreet Singh and Prabhdeep Singh came on a motorcycle and stopped near them. Then, accused-applicant Sukhdeep Singh raised

Lalkara, as to what Bhupinder Singh is doing here. Thereafter, he took out a revolver from his dub and with the intention to kill Bhupinder Singh fired two rounds which hit on the abdomen and thighs of Bhupinder Singh. Then co-accused of accused-applicant namely, Gurpreet Singh and Prabhdeep Singh caught hold Bhupinder Singh from his back. When complainant, his wife and brother tried to rescue Bhupinder Singh, then accusedapplicant Sukhdeep Singh fired two more rounds out of which, one hit on the right bicep of Rekha and other hit on the left bicep of Rajinder Kumar. In the meantime, Uttamjit Singh came to the spot and on seeing him, the accused-applicant along with his co-accused fled away from the spot”.

Learned counsel for the petitioner contended that the petitioner is in custody since 10.11.2017. He further submitted that the conclusion of the trial of the case is likely to take some time and on account of the spread of Novel Coronavirus and consequent restricted functioning of the Courts, it would not be possible to conclude the trial on an early date. He further submitted that the first informant as well as two victims and the alleged eye witnesses, have already been examined in the court.

On the other hand, the learned State counsel, while opposing the bail application, has submitted that the petitioner used the licensed revolver of his father and seriously injured three persons. He submitted that the petitioner fired four rounds.

After having considered the arguments of the learned counsel for the parties and without commenting on merits of the case, this Court is of the opinion that the petitioner has already suffered incarceration for a period of more than two years and nine months approximately. It has rightly been contended by the learned counsel for the petitioner that the prosecution has already examined the victims as well as the eye witnesses including the first informant. The dispute between the parties is with regard to the immovable property. No doubt, as per the custody certificate, the petitioner is alleged to be involved in three more FIRs, however, the learned counsel for the petitioner has contended that these incidents are also relating to the same dispute.

Keeping in view the aforesaid facts, this Court is of the opinion that the petitioner deserves to be released on regular bail pending trial, particularly in view of the period of his custody which is more than two years and nine months approximately. Due to the restricted functioning of the Courts on account of the

spread of Novel Coronavirus, it would not be appropriate to direct the learned trial Court to conclude the trial at an early date. Hence, the present petition is allowed and the petitioner is granted regular bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/the Duty Magistrate.

The miscellaneous application(s) pending, if any, shall also stand disposed of in terms of the main order.”

The learned counsel representing the petitioner contends that Sh. Sukhdeep Singh @ Deepa misused the concession of bail and allegedly broke both the legs of Surinder Pal-witness on behalf of the prosecution in the FIR No.247 dated 10.11.2017, registered under Section 307/34 IPC read with Section 25/27/54/59 of the Arms Act, 1959 at Police Station Goraya, District Jalandhar.

It is not in dispute that Sh. Sukhdeep Singh @ Deepa is in custody due to the registration of a fresh FIR on the basis of the alleged above-mentioned incident.

The aforesaid facts are not controverted by the learned counsel representing the respondent No.2 (Sukhdeep Singh @ Deepa).

In the considered opinion of this Court, the concession of bail granted to Sukhdeep Singh @ Deepa is required to be cancelled.

Keeping in view the aforesaid facts, the regular bail granted to Sukhdeep Singh @ Deepa stands cancelled.

All the pending miscellaneous applications, if any, are also disposed of.

November 15, 2021

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**(ANIL KSHETARPAL)
JUDGE**

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