

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

205

CRM-M No.2543 of 2021.

Date of decision: March 25, 2021

Harpreet Singh @ Happy

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

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

Ms. Monika Jalota, D.A.G. Punjab.

MAHABIR SINGH SINDHU, J

Second petition has been filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail to the petitioner pending trial in FIR No.133 dated 27.08.2018, under Sections 302, 148, 427 read with Section 149 of Indian Penal Code and 25 of Arms Act (offences punishable under Sections 380, 201 IPC and 27 Arms Act were added later on), registered at Police Station Goindwal Sahib, District Tarn Taran.

Reply on behalf of respondents filed by way of affidavit of Balbir Singh, PPS, Deputy Superintendent of Police, Organized Crime Control Unit, Intelligence Wing, Amritsar along with Annexure R-1, which is taken on record.

As per prosecution case, Gurjant Singh son of the complainant Sukhwinder Kaur left his house along with Bittu in his car for an urgent work. At 5.30 p.m., complainant went to Gurdwara Bauli Sahib and when she came outside the gate of Gurudwara, she saw Gurjant Singh with

Sahilpreet Singh, who was driving his Hyundai i-20 car bearing registration No. PB-02CU-9041. The complainant called her son in a loud voice to stop them but they did not stop the car and behind them Bittu resident of Jamarai driving the car on which he had picked her son Gurjant Singh from home. Some unknown persons were sitting along with Bittu in his car. Then both the cars crossed nearby the complainant and she saw that a military colour 'Thar' vehicle bearing registration No. CG-04HK-0086 driven by Iqbal Singh @ Afridi along with Prabhjit Singh, Rubal, Robanjit Singh, Kulwinder Kaur Patwaran, Gursewak Singh and Pargat Singh was following them. There was another car with Thar, which she can identify on seeing it. The Thar was stopped in front of Hyundai i-20 car and a lalkara was raised for teaching lesson to Sahilpreet Singh for contesting the elections for the post of Sarpanch of the gram panchayat against Prabhjit Singh. Thereafter, Iqbal Singh @ Afridi fired number of shots from his pistol, which hit the wind shield of the Car. Sahilpreet Singh and Gurjant Singh got down from the car to save themselves, they were shot at by Iqbal Singh @ Afridi and his companions. Gurjant Singh received gun shot injury on his head. Sahilpreet Singh and a passer-by also received injuries. The occupants of the car following the car of Sahilpreet Singh also fired, resultantly, Arshpreet Singh received the fire injury and fell on the ground. Then complainant and passers-by raised hue and cry, on which, assailant ran away from the spot leaving behind the Thar and Arshpreet Singh. Gurjant Singh was taken to Guru Nanak Dev Super Specialty Hospital, Tarn Taran, where he was declared dead. Sahilpreet Singh, Arshpreet Singh and passer-by also lost their lives due to injuries sustained. Hence the

present FIR.

A DDR was recorded on the basis of statement of Ravinder Iqbal Singh on 27.08.2018.

Contends that petitioner was not named in the FIR, rather nominated on the basis of disclosure statement made by co-accused Gursewak Singh @ Bamb and he has already been granted the concession of regular bail by co-ordinate Bench on January 7, 2021 in CRM-M-28114-2020 and the case of the petitioner is on better footing.

Learned State counsel, on instructions from SI Pawan Kumar, has apprised the Court about the factual position and candidly stated that petitioner was not named in the FIR, rather nominated by co-accused Gursewak Singh. However, he is facing trial in another criminal case under Section 399 and 402 IPC.

Since Gursewak Singh @ Bamb on the basis of whose disclosure statement, petitioner was implicated, has already been granted bail pending trial by coordinate Bench vide order dated 07.01.2021, and the case of the petitioner is on better footing, therefore, no purpose would be served by not releasing the petitioner on bail. Hence, the petition is allowed. Petitioner Harpreet Singh @ Happy is ordered to be released on bail, in this case, on his furnishing adequate bail bond and surety bond to the satisfaction of learned trial Court/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

Petitioner shall fully co-operate with learned trial Court without seeking any unnecessary adjournments.

It is clarified that in case there is any recurrence on the part of the petitioner, State of Punjab would be at liberty to move an appropriate

application for recalling of this order.

(MAHABIR SINGH SINDHU)
JUDGE

March 25, 2021
Sachin M.

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No