

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

Criminal Misc.-M No.2443 of 2021

Date of Decision: February 26, 2021

Harpreet Singh @ Johny

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Lajpat Rai Sharma, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.219 dated 10.10.2020 registered under Sections 307, 34 Indian Penal Code, 1860 and Sections 25 and 27 of Arms Act, 1959, registered at Police Station Bhogpur, District Jalandhar. The petitioner is in custody since his arrest on 14.10.2020.

The FIR was registered on the statement of Sandeep Singh son of Sh. Sukhwinder Singh and the allegations as noticed by learned Additional Sessions Judge, Jalandhar in his order dated 07.12.2020 read as under:-

“He has stated that he is resident of Vishnu Garden, P.S.Tilak Nagar, New Delhi and he is working as a sales man in a private concern. Since last 6-7 days he has come to Village Bhatnura Lobana for attending Bhog Ceremony of his grandmother-in-law. Where he came to know that Manpreet Kaur D/o his paternal Aunt Surjit Kaur wife of Narinder Pal Singh was engaged with Harpreet Singh son of Didar Singh with photo as Harpreet Singh at that time was in America. He also

came to know that lateron younger brother of Harpreet Singh namely Amandeep Singh came to India from France and performed marriage with his cousin sister Manpreet Kaur secretly. When this fact came to the knowledge of his family, an altercation took place between them. Lateron the matter was compromised between the parties at P.S.Mukerian on 08.10.2020. His cousin Manpreet Kaur returned back to Village Bhatnura Lobana on 08.10.2020. On 10.10.2020 he alongwith his father, uncle Sukhdev Singh, Surjit Kaur alongwith his cousin Manpreet Kaur had came out from their house for leaving Manpreet Kaur at Village Ram Sahai in Vagonar car bearing No.DL-1-CL-4778. When they had just came on link road, one car HUV bearing No.PB-08-EE-0002, which was being driven by Amandeep Singh son of Didar Singh, resident of Tanda Ram Sahai alongwith two other persons waylaid their car. Thereafter they came out from their car and after opening the window of their car, they tried to drag Manpreet Kaur from the car. He alongwith his uncle Sukhdev Singh came out of the car and tried to restrain them from doing so. At this Amandeep Singh fired from his pistol with an intention to kill them and one fire hit his right chest and one shot narrowly crossed his uncle Sukhdev Singh. Thereafter these persons ran away from the spot after raising lalkaras.”

Learned counsel for the petitioner contends that no injury is attributed to the petitioner and the similarly situated co-accused, Ranjit Singh @ Bagga has already been released on regular bail by this Court vide order dated 12.01.2021 passed in CRM-M-323-2021 (Annexure P-2). According to him, the petitioner was not named in the FIR and was subsequently indicted as an accused on the basis of the supplementary statement made by witness Manpreet Kaur, who stated that petitioner was accompanying accused Amandeep Singh being his friend at the time of

commission of offence. He submits that the investigation of the case is complete, therefore, the further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, learned State counsel, assisted by ASI Iqbal Singh, states that as per the allegations, the firing is attributed to Amandeep Singh and the weapon of offence has also been recovered from his possession. It is also not disputed by him that similarly situated co-accused has already been released on regular bail by this court.

After hearing the learned counsel for the parties and considering the fact that similarly situated co-accused of the petitioner has already been released on regular bail, this Court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 14.10.2020. Further, the charges are yet to be framed, therefore, the trial is likely to take considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the Duty Magistrate/CJM, Jalandhar.

The petition is allowed.

February 26, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No