

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-2947-2021 (O&M)  
Date of decision: 07.09.2021

Gurpreet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. G.K. Mann, Sr. Advocate with  
Mr. Sushil Kumar, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

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**ARVIND SINGH SANGWAN, J. (ORAL)**

Prayer in this petition is for grant of regular bail in FIR No.57 dated 16.04.2019 under Sections 307, 506, 148, 149 IPC and Sections 25/27 of Arms Act (Sections 302, 120-B IPC and Section 29 of Arms Act were added later on), registered at Police Station Chheharta, District Police Commissionerate Amritsar.

Learned senior counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of deceased Ashish @ Aashu,

he was having two sisters Lashmi and Jyoti and was living with his sister Jyoti in Village Mahal. On 16.04.2019, his friend Sonu came and both of them went to Govt. School, Mahal for playing cricket. At about 4.00 pm, outside the main gate of the school, one black coloured Scorpio and another vehicle white coloured came. Out of black coloured Scorpio, Kemi Pehalwan son of Malkiat Singh, Love son of Malkiat Singh, Pawan son of Kuldeep Singh @ Fauja, Tidda son of Surjit Singh, all armed with their respective pistols and Yash son of Ranjit Singh, empty handed, came on the ground and Yash caught hold of him from the backside and started dragging him on the ground. In the meantime, Kemi Pehalwan, Love, Pawan, Tidda gave fire shots with their respective pistols, which hit on his buttock. Then Pawan gave fire shot, which hit on his waste. It is further stated that when he and Sonu raised the noise, in the meantime, his mother Jeet Kaur and sister Jyoti came at the spot and on seeing them, the accused ran away, while firing shots in the air. It is also stated that in white coloured Scorpio, Baljinder Singh, who is brother-in-law of Bittu, and six other unidentified persons were there and Bittu Pehalwan was driving the vehicle and along with him, Saba Danger was sitting on the adjoining seat and they all ran away from the spot in their vehicle. It is further stated in the FIR that motive behind this fight was that the accused persons had a quarrel with the complainant. Thereafter, his mother, sister and friend Sonu took him to the Govt. Hospital.

Learned senior counsel for the petitioner further submits that later on, complainant Ashish @ Aashu died during treatment on 23.04.2019. It is also submitted that after 15 days, the police recorded supplementary statement

of sister of the deceased namely Jyoti as well as his mother Jeet Kaur, who have only attributed the allegations of conducting recci regarding movement of the deceased. It is next submitted that in the entire FIR, wherein the deceased himself has given the version, the petitioner was not named and even in the statement of Jeet Kaur recorded under Section 161 Cr.P.C., name of the petitioner is described as Gautam son of Gurmej Singh, whereas petitioner's name is Gurpreet Singh son of Narinder Singh. It is thus submitted that it will be a matter of trial whether identify of the petitioner is proved or not. Except for the evidence, which has come subsequently in the statements of Jeet Kaur and Jyoti, there is no other evidence against the petitioner regarding his active involvement in the case.

Learned State counsel has filed the custody certificate dated 07.09.2021 in the Court today and on the basis of affidavit of the Investigating Officer filed in the connected case filed by co-accused Lovejeet Singh @ Love, giving details of the investigation conducted so far, has submitted that except for referring to the statement recorded under Section 161 Cr.P.C., no other evidence has come against the petitioner. It is further stated that accused Ravinder Singh @ Latti and Rupinder Singh @ Baljinder Singh were found innocent, though their names are also surfaced in the statements of aforesaid witnesses Jeet Kaur and Jyoti.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioner is in custody for the last 02 years, 04 months and 08 days and nature of evidence against him, this petition is allowed and the petitioner is directed to be released

on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ ARVIND SINGH SANGWAN ]  
JUDGE

07.09.2021  
*vishnu*

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No