

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

CRM-M-9061-2021 (O&M)

Date of decision: 24.08.2021

Pargat Singh @ Billa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. B.S. Jatana, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Custody certificate filed by State counsel be taken on record.

This petition for regular bail has been filed by petitioner Pargat Singh @ Billa, an accused in FIR No.32 dated 19.06.2019, for offences under Sections 302, 307, 148, 149 IPC (Sections 326, 325, 324, 323, 457 IPC added later on), registered with Police Station Nandgarh, District Bathinda.

Briefly stated the facts of the case as per prosecution story are that, criminal machinery in this case was set into motion on the basis of statement made by complainant Jaskaran Singh son of Puran Singh, R/o Rai Ke Khurd, who in the statement got recorded by him with the police stated that he has got two sons and a daughter; eldest being Hardeep Singh aged about 28 years followed by daughter Ramandeep

Kaur, aged about 25 years, who is married and youngest being another son namely Arshdeep Singh, aged about 21 years; Hardeep Singh @ Babli was earlier married with one Jyoti Kaur, however, the couple developed differences and Jyoti Kaur left the matrimonial home; thereafter, Hardeep Singh @ Babli was married with Rajvir Kaur daughter of Kulwinder Singh, resident of Sri Muktsar Sahib about 3-4 months earlier to the date of incident; Arshdeep Singh is a bachelor; Hardeep Singh @ Babli used to remain idle; he suspected his younger brother Arshdeep Singh of having illicit relations with his wife Rajvir Kaur; Hardeep Singh @ Babli was out of home for about 18-20 days; he used to threaten his father Jaskaran Singh and younger brother Arshdeep Singh of killing them but they did not pay any heed; on intervening night of 18/19.06.2019 at about 12.30 AM, while complainant Jaskaran Singh, his wife Charanjit Kaur, younger son Arshdeep Singh and daughter in-law Rajvir Kaur wife of Hardeep Singh @ Babli were sleeping in the courtyard of the house, then Hardeep Singh @ Babli armed with a kirpan accompanied by 5-6 unidentified persons having gandasas, kapas came there after scaling the boundary wall; the complainant woke up; he was attacked by Hardeep Singh @ Babli and his co-assailants, hitting him on various parts of the body; Charanjit Kaur, wife, Arhsdeep Singh, son and Rajvir Kaur daughter in-law of the complainant were also attacked; on alarm being raised by Charanjit Kaur, the assailants ran away from the spot along with their respective weapons; the injured were taken to hospital; Rajvir Kaur had succumbed to the injuries at Govt. Hospital, Bathinda; on matter being reported to the police; formal FIR was

registered; accused including present petitioner Pargat Singh @ Billa were arrested in this case.

Petitioner-accused Pargat Singh @ Billa had filed a petition for regular bail before the Court of Sessions at Bathinda. His such application which was assigned to Addl. Sessions Judge, Bathinda, was however dismissed, vide order dated 26.06.2020. Thereafter, he had come to this Court, craving for grant of similar relief, however, his such petition bearing No.CRM-M-20220-2020 was withdrawn by the counsel. Thereafter, the instant petition has been filed after statements of the eye witnesses have been recorded. This petition is being opposed by the State counsel.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that petitioner is not named in the FIR and his name had cropped up in the statement of Charanjit Kaur-injured, however, during the course of trial, none of the eye witnesses have named the petitioner as one of the assailants. He has pointed out to statements of PW-1 Dulla Singh, PW-2 Sikander Singh, PW-3 Gurwinder Singh, PW-4 Jaskaran Singh, PW-5 Charanjit Kaur and PW-6 Arshdeep Singh in that regard, since copies of such statements have been placed on record by learned counsel for the petitioner, rather, it comes out that all such witnesses had not toed the line of prosecution and were declared hostile witnesses. Though, as pointed out by learned State counsel, the petitioner-accused after having been arrested during the course of interrogation had suffered a disclosure

statement under Section 27 of the Indian Evidence Act and got the broken handle of the kahi (spade) said to have been used by him in the incident, recovered but then admittedly that handle did not bear any blood stain from which it could be inferred that as a matter of fact, the kahi had been used in the incident. The trial is still going on, the conclusion of which is likely to take considerable time, more particularly, when the Courts are working in a restricted mode on account of COVID-19 pandemic. The material witnesses having already been examined. There could not be any occasion for the petitioner trying to give threat or inducement to such witnesses. Keeping in view the totality of circumstances, without going into the merits of the case in depth, I find it proper and appropriate to grant the benefit of regular bail to the petitioner. Therefore, the petition is accepted. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate, Bathinda, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses;
- (iii) he shall not indulge in any criminal activity;
- (iv) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard;

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

24.08.2021

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(H.S. MADAAN)
JUDGE

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