

229

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

(Through Video-conferencing)

**CRM-M No.11355 of 2021
Date of Decision:27.08.2021**

SANDEEP SINGH

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

Mr. Gurdarshan Sidhu, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.86 dated 14.04.2020, registered under Sections 302, 34, 120-B IPC and 25 of Arms Act, at Police Station Kalanwali, District Sirsa, Haryana.

FIR was registered at the instance of complainant-Harpal Singh with the allegations that he and his brother Gurpal

Singh were coming towards their house on a tractor from the farm house. When they reached near Kalanwali turn, Gurpal singh alighted from the tractor and was going to buy some household articles from a shop. Immediately a motorcycle and vehicle came from behind and stopped there. Sandeep, Lakhwinder Singh, Gagandeep and Lakhbir Singh along with 2-3 other persons were present in the vehicles. Gagandeep was holding a pistol in his hand. Gagandeep opened fire directly on Gurpal singh hitting him on the left side of the stomach, Gurpal singh fell down. On raising alarm, the complainant and his elder uncle son Sukhpal Singh arranged a vehicle and took Gurpal Singh to the hospital where doctor declared him dead.

Perusal of FIR would show that Gagandeep was the main accused who opened fire on Gurpal Singh resulting in his death. Supplementary statement of the complainant was recorded on the same day i.e. 14.04.2020 in which he changed the version to the extend of attributing gun shot injury to Lakhbir Singh @ Lakha. According to his supplementary, statement petitioner raised lalkara and Lakhbir Singh @ Lakha directly fired a shot on Gurpal singh.

Learned counsel for the petitioner submits that Gagandeep Singh has been granted bail by the High Court vide order dated 15.01.2021 passed in CRM-M No.35957 of 2020.

Lakhbir Singh @ Lakha has been granted bail by the Principal Magistrate, Juvenile Justice Board vide order dated 07.07.2020.

Learned counsel for the petitioner also relied upon order dated 18.03.2021 passed in CRM-M No.9141 of 2021 granting bail to Lakhwinder Singh @ Lakhi. Challan has been presented and charges have been framed. No prosecution witness has been examined so far.

Learned State counsel however, opposed the bail on the premise that the petitioner was also co-occupant of the motorcycle driven by Lakhwinder Singh @ Lakhi and he raised lalkara on seeing Gurpal Singh, thereafter, Lakhbir Singh @ Lakha opened fire.

Complicity of the petitioner would be debatable as his presence was shown along with other co-accused. Participation of the petitioner would also remain debatable as he has not fired any shot upon the deceased.

Learned counsel for the complainant, however opposed the bail on the ground that the petitioner is having antecedent behaviour of criminal activity but he has not disclosed as to whether petitioner is in custody in some other case.

On the basis of aforesaid factual position and in view of situation arising out due to COVID-19 pandemic, I deem it

appropriate to enlarge the petitioner on regular bail without embarking upon the merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

27.08.2021

Amandeep

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No