

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

**CRM-M No.10950 of 2021 (O&M)
Date of Decision : 25.08.2021**

Balour Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Ms. Manpreet Ghuman, Advocate
for the Petitioner.

Mr. B.S. Sewak, Addl. Advocate General, Punjab
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

CRM-21279-2021

The instant application is disposed off as having been rendered
infructuous since the main case is already fixed for hearing today itself.

CRM-M-10950-2021

The instant Petition has been filed under Section 439 of the
Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner
in case FIR No.99, dated 15.10.2018, registered under Sections 302, 307,
323, 201, 148, 149 of the Indian Penal Code and Section 25/27/54/59-A of
the Arms Act, 1959, at Police Station Bhadaur, District Barnala.

2. The Petitioner, according to the FIR, had accompanied the co-
accused persons who had allegedly caused the death of two victims namely

Jagdeep Singh and Happy Singh. The Petitioner was alleged to have been armed with a *stick* while the other co-accused persons were armed with several other types of deadly weapons. Submission of Ld. Counsel for the Petitioner in this regard is that the fatal injuries, which caused the death of the two victims, are not ascribable to the Petitioner, who was only carrying a *stick* and there is no allegation of his having actually assaulted either of the victims, at least in such a manner which could cause their death.

3. It has further been submitted on his behalf that the Petitioner has by now remained in custody for a long time and his release is being needlessly held up although entire evidence from the Prosecution Side had originally been completed and even examination of the accused persons under Section 313 of the Cr.P.C. was also done by the Ld. Trial Court on 11th September, 2019. Thereafter, three witnesses from the defence side were examined after which an application for leading more evidence from the Prosecution Side was filed which was dismissed by the Ld. Court below. The Complainant side thereafter preferred Criminal Revision being CRR No.1398 of 2019 against such order of dismissal. The said Revision is still pending but further proceedings in the trial have become stayed because the Ld. Trial Court has been restrained from pronouncing its final judgment, by an order of a Co-ordinate Bench of this Court in the aforesaid Criminal Revision passed on 5th September, 2019.

4. After considering all the above narrated facts and circumstances, this Court finds that the relief sought for by the Petitioner

cannot be granted to him, at this stage. This is so, because similar bail applications had been moved on behalf of co-accused persons namely Gurjant Singh and Gurdeep Singh, who were similarly armed with ordinary weapons such as *gandasa* and *stick*. But their Bail Petitions, being CRM-M No.8319 of 2019 and CRM-M No.10477 of 2020, were dismissed by this Court on 12th October, 2020, with the following observations :-

“The petitioners have been specifically mentioned among the group of culprits involved in the double murder of victims Happy Singh and Jagdeep Singh. At this stage, this Court is not expected to go into hair splitting scrutiny of the allegations in the FIR to hold that the petitioners are altogether innocent, simply because no firearm injuries were directly attributable to either of them, when common intention of a group which results into a fatality ascribable to any particular member of the group, legally renders all the other present or abetting the actual offence to be equally liable.

For the aforesaid reasons, at this stage, this Court is of the opinion that the petitioners cannot be granted the benefit of regular bail when actually the delay now being occasioned is not attributable to the prosecution side, but due to the fact tht hearing on the pending revision in the Court has not been taken up as yet on account of pendency of the ongoing Covid-19 Pandemic.”

5. The Petitioner stands on a virtually identical footing with the aforesaid two co-accused persons, namely Gurjant Singh and Gurdeep

Singh. This Court, therefore, finds no reason to deviate from the decision taken in the Bail Petitions of those two co-accused persons, in the present case also.

6. Dismissed.

August 25, 2021
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No