

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-11809-2021 (O&M)
Date of Decision:-18.3.2021

Inderpreet Singh @ Inder ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sant Pal Singh Sidhu, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab,
assisted by ASI Avtar Singh.

Mr. Ish Puneet Singh, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of the case registered vide FIR No.245 dated 21.9.2020 at Police Station Sadar Jalandhar, District Jalandhar under Sections 302, 120-B, 34, 201 of Indian Penal Code and Section 25 of Arms Act, 1959.
2. The FIR was lodged at the instance of Harjit Singh. It is alleged that on 21.9.2020 at about 5:45 P.M. when his father was present near the gate of Gurudwara Sahib, then a white coloured Maruti Car stopped near his father

from which three persons alighted. The said three persons were identified by the complainant as Jaskaran Singh @ Jassa, Bahadur Singh and Satwinder Singh. While Bahadur Singh and Satwinder Singh caught hold of complainant's father, Jaskaran Singh @ Jassa, who was armed with a pistol, fired 4-5 shots at his father, who died on account of said fire arm shots. It is alleged that the complainant's father has been murdered by the assailants in connivance with Inderpreet Singh, who is undergoing sentence on account of a case registered at the instance of the complainant party. It is further alleged that the motive for the said occurrence is that FIR No.12 dated 30.1.2010 at Police Station Jalandhar under Sections 307, 326, 323, 324, 452, 506, 148 and 149 of Indian Penal Code and FIR No.33 dated 14.2.2011 at Police Station Jalandhar under Sections 307, 308, 326, 325, 323, 324, 148, 149 and 427 of Indian Penal Code had been lodged against the accused and complainant's father had been pursuing the said cases to get them convicted and on account of which his father had been murdered.

3. Learned counsel for the petitioner has submitted that even if the allegations as levelled in the FIR are taken to be correct, still it is an admitted case that on the day of occurrence, the petitioner was in custody and was nowhere present near the place of occurrence and it is the co-accused, who are alleged to have murdered complainant's father.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that in the instant case the involvement and complicity of the petitioner is clearly evident from the fact that during the course of investigation call-details record had been collected, which showed that the accused named in the FIR were regularly in touch with the petitioner through mobile phone, which the petitioner was using inside the jail

premises. Learned State counsel has informed that all the co-accused have also been declared proclaimed offenders.

5. Learned counsel for the complainant has further submitted that infact the petitioner, who stands convicted in other cases, had earlier been granted bail in another case, but on account of his having misused the concession of bail, his bail was cancelled and that in these circumstances there is every likelihood that the petitioner, if granted bail, would misuse the concession again.
6. I have considered rival submissions addressed before this Court.
7. It is not in dispute that the petitioner had not fired or had participated directly in the occurrence as the petitioner was in custody. The factum of the petitioner using a mobile phone within the jail premises is a fact which would be debatable as the possession of a mobile phone by the petitioner in jail premises would be required to be established. In any case, since the petitioner has been behind bars since the last about 5 months and was present in jail when the occurrence took place, further detention of the petitioner in such circumstances would not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

18.3.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No