

Joginder Singh

.... Petitioner

Versus

State Of Punjab

.... Respondent

Coram: Hon'ble Mr. Justice B.S. Walia

Present : Mr. Rahul Sharma, Advocate for the petitioner.
Mr. Ramandeep Sandhu, Sr. DAG, Punjab.
Mr. D.S. Pheruman, Advocate for the complainant.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through VideoConferencing due to Covid-19pandemic.
2. Prayer in the petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.129 dated 13.11.2020 registered under Sections 302, 307, 506, 148, 149 and 120-B IPC and Section 27 of the Arms Act, 1959 at Police Station Sekhwan, Batala, District Gurdaspur, [offences under Sections 148 and 149 IPC have later been deleted and under Sections 323 and 34 IPC and Section 25 of the Arms Act, 1959 have been added later on].
3. Learned counsel contends that the petitioner who is a practicing Advocate, at District Courts, Gurdaspur since close to three decades has been falsely implicated in the aforementioned case solely on account of defending civil litigation on behalf of his relatives i.e.

the main accused, against the complainant party, qua the land in respect of which the incident took place leading to unfortunate murder of three persons namely Amrik Singh, Harbhajan Singh and Baljit Singh. Learned counsel further contends that the FIR contains specific allegations of the deceased having been murdered by fire arm injuries by Virsa Singh and Robanpreet Singh with general allegations of conspiracy of aforesaid accused with Harpreet Kaur daughter of Virsa Singh and on the behest of petitioner Joginder Singh whereas the petitioner on the date and time of incident was not present at the site of the incident but was in fact appearing in a case before the District Courts at Gurdaspur.

4. Learned counsel further contends that investigation in the case is complete, challan has also been presented, besides, the petitioner is a 66 years old person, suffering from a number of ailments, requiring treatment from various hospitals and while being in custody was taken to the PGI, Chandigarh for treatment, trial is likely to take considerable period of time, therefore, no useful purpose would be served by keeping the petitioner behind bars.

5. Mr. D.S. Pheruman, learned counsel appearing on behalf of the complainant has referred to the order of the learned Additional Sessions Judge, Gurdaspur dated 12.03.2021 to contend that FIR No.0076 dated 12.12.2019 was registered against the petitioner under Sections 427, 447 and 34 IPC at Police Station Sekhwan on the basis of complaint made by Amrik Singh son of Sudagar Singh, resident of village Kaler Khurd, Police Station Sekhwan (deceased), that the petitioner was standing on the

was registered on the basis of complaint made by Amrik Singh son of Sudagar Singh, resident of village Kaler Khurd, Police Station Sekhwan, Tehsil Batala, District Gurdaspur (deceased) against the petitioner and others. However, Learned State Counsel on instructions from *SI Jagir Singh* confirms that on investigation, the petitioner was found innocent in FIR No.0011 dated 03.02.2021 registered under Sections 447, 427 and 34 IPC at Police Station Sekhwan and the said FIR was registered only against the other accused namely Virsa Singh and Robanpreet Singh, whereas FIR No.0076 dated 12.12.2019 registered under Sections 427, 447 and 34 IPC at Police Station Sekhwan stands registered against the petitioner and other co-accused on the basis of complaint made by Amrik Singh that the petitioner was present on the watt duly armed with weapon. However, neither learned counsel for the complainant nor learned State counsel have controverted the submissions of learned counsel for the petitioner that the petitioner is practicing as an Advocate, is relative of the main accused and was defending the civil litigation (two cases) on behalf of the main accused against the complainant party in respect of the same land qua which the unfortunate murders took place. Besides, Learned counsel for complainant, as well as learned State Counsel have not disputed that the petitioner was not present at the place of incident on the unfortunate date and time of incident, that investigation in the case is complete, challan has been presented on 10.02.2021, petitioner is in custody since 15.11.2020, that he is an old person aged 66 years, does not keep good health and was also taken to the PGI for treatment while in custody.

6. I have considered the submissions of learned counsel for the parties.

7. Admittedly, the allegations against the petitioner are of three persons having been killed by Virsa Singh and Robanpreet Singh (father and son) in conspiracy with Harpreet Kaur daughter of Virsa Singh (who is stated to be doing law) as also on the behest of the petitioner Joginder Singh whereas admittedly petitioner Joginder Singh is a relative of the main accused Virsa Singh and Robinpreet Singh and is a practising Advocate aged 66 years, and is stated to have been present in District Courts at Gurdaspur on the date and time of incident besides is defending two civil cases on behalf of the main accused against the complainant party qua the same land which led to the unfortunate murders. Investigation has been completed. Challan has been presented though charges are yet to be framed. The FIR is silent on the manner of instigation. The question as to whether Virsa Singh and Robinpreet Singh were instigated by the petitioner to commit the murders is a matter to be gone into during trial. The petitioner has been in custody since 15.11.2020, therefore, in the circumstances, no useful purpose would be served by keeping the petitioner behind bars especially as there is no apprehension of the petitioner fleeing or tampering with evidence or otherwise interfering with the trial in any manner.

8. Accordingly, the instant petition for regular bail is ***allowed***. The petitioner is ordered to be released on bail during the pendency of the trial subject to his furnishing bail / suretybonds to the satisfaction of the

required in any other case. The petitioner shall also abide by the conditions contained in Section 437(3) Cr.P.C. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case. Needless to mention, in case the petitioner is involved in any other case while on regular bail in the instant case, the prosecution would be at liberty to move an application for cancellation of bail granted to the petitioner in the instant case.

(B.S. Walia)
Judge

24.08.2021
'Rajneesh/Amit'

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