

220

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

**CRM-M-12293-2019 (O&M)
Date of Decision: 11.10.2021**

Gurwinder Singh @ Bhinda

..... Petitioner

Versus

State of Punjab and another

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Nakul Sharma, Advocate,
for the petitioner.

Mr. B.S. Sewak, Addl. A.G., Punjab
for the respondent/State.

Mr. Sunil Sihag, Advocate,
for applicant/respondent No.2/complainant.

SUDIP AHLUWALIA, J. (ORAL)

CRM-33013-2021

Applicant-complainant is permitted to place on record the translated copy of FIR No.55, dated 18.06.2021 (Annexure R-2/5), subject to all just exceptions.

Application stands disposed off.

CRM-M-12293-2019

This is the second petition for regular bail filed on behalf of the petitioner under Section 439 Cr.P.C. in case FIR No.55 dated 02.05.2017, under Sections 302, 307, 506, 111, 336, 148 & 149 of the IPC and Sections 25/27 of the Arms Act, 1959, registered at Police Station Kulgarhi, District

Ferozepur.

[2]. Ld. Counsel for the petitioner submits that his client by now has remained in detention in the present case for more than 4 years, 4 months and 27 days, since 12.05.2017, as can be seen from his Custody Certificate sent up by the Ld. State Counsel through email today.

[3]. It has been further submitted on behalf of the petitioner that he has been falsely implicated in the case and a bare perusal of the FIR lodged (Annexure P-1) would go to show that no overt act of any violence whatsoever was imputed to him by the complainant Balwinder Singh except that the petitioner, who happens to be brother-in-law of another accused named in the FIR, namely, Sukhjinder Singh, had come out of one Bolero Compass Car, which was being driven by one Karaj Singh, carrying the real culprits Lakha Singh, Ranjit Singh and Sukhjinder Singh. Other accused persons, namely, Gurwinder Singh @ Pindu, Pargat Singh, Chanan Singh all armed with various weapons, who along with the petitioner had arrived at the spot and attacked the victims. Ld. Counsel for the petitioner has thereafter also drawn attention of the Court to the fact that even as PW-1, the complainant Balwinder Singh did not make any incriminating statement against the petitioner during his deposition.

[4]. The prayer for bail has nevertheless been opposed on behalf of the State as well as by Ld. Counsel appearing for the complainant, who have drawn attention of the Court to the fact that even according to the FIR lodged by the complainant Balwinder Singh the occurrence was also seen by his sister-in-law Savinder Kaur and his nephew Gurwinder Singh. Now on going through the statement of the said Savinder Kaur, who happens to be widow of deceased victim Joginder Singh, it is seen that according to

her, the petitioner was directly involved in the murder of her husband. As stated by her in her statement under Section 161 of the Cr.P.C., which is on record as Annexure R-2/2 and in which it has been noted, “Then Gurwinder Singh @ Bhinda, brother-in-law of Sukhjinder Singh, caught hold of 32 bore revolver tied with waist of Lakha Singh and fired a shot in the air and fired four shots at my husband Joginder Singh, who fell on the road.....”. It has further transpired not only from the FIR but also from the statement of Savinder Kaur that her husband Joginder Singh was brought at Anil Baghi Hospital, Ferozepur for treatment but succumbed to his injuries.

[5]. In this view of the matter, this Court is of the opinion that submission of the Ld. Counsel for the petitioner to the effect that his client has been falsely implicated in the case inasmuch as the complainant Balwinder Singh (who himself happens to be the victim of violence in the occurrence) had not said anything about the active role of the present petitioner in shooting at his brother Joginder Singh (since deceased) is not tenable. The fact that the petitioner by now has remained in detention for more than 4 years and 4 months is also not of much consequence at this stage, since admittedly part of the delay had occurred due to outbreak of the Covid-19 Pandemic, and also in view of the fact that trial of the case had in addition become held up due to filing and disposal of certain applications under Section 319 of the Cr.P.C., the results of which have since been challenged in certain revisional applications now pending elsewhere in the Court.

[6]. To sum up, therefore, this Court is of the opinion that the petitioner is not entitled to be released on bail considering the nature of his involvement as transpiring from the statement of the deceased victim

Joginder Singh's wife, namely, Savinder Kaur, which has already been noted earlier, and in view of the gravity of offence under Section 302 of the IPC.

[7]. Dismissed.

11.10.2021

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

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