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

(Through video-conferencing)

**1. CRM-M No.21992 of 2021
Date of Decision: 22.07.2021**

**DILBAG SINGH @ BAGAPetitioner
Vs
STATE OF PUNJABRespondent**

2. CRM-M No.26869 of 2021

**BALWINDER SINGH @ BILLAPetitioner
Vs
STATE OF PUNJABRespondent**

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

Present:Mr. Navjot Singh, Advocate
for the petitioner(s).

Mr. Sandeep Kumar, D.A.G., Punjab.

Mr. Parvez Chaudhary, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

Vide this common order, CRM-M No.21992 of 2021 and 26869 of 2021 are being decided. Since both the cases have arisen out of same FIR, therefore, for brevity facts are being noticed from CRM-M No.21992 of 2021.

Petitioner(s) seeks grant of regular bail under Section

439 Cr.P.C in case bearing FIR No.14 dated 14.01.2021, registered under Sections 302, 148, 149 IPC and Section 25 & 27 of the Arms Act at Police Station Division B, District Police Commissionerate, Amritsar.

The FIR was registered at the instance of Bhupinder Singh son of Mukhtiyar Singh with the allegations that his son namely Jagdish Singh @ Disha was aspirant of contesting election from a political party, but the petitioner-Balwinder Singh @ Billa and his sons Mandeep Brar, Raja Brar and Sabu Brar did not want him to contest the election of councillor. They threatened the son of the complainant by coming to the house, but he kept on preparing for the election of councillor on his own. On 13.01.2021 i.e. on the day of Lohri festival, the complainant and his son were present on the roof of their house. Son of the complainant was flying kites. Petitioner-Balwinder Singh @ Billa, his sons Sukhchain Singh @ Raja, Mandeep Singh @ Laada and Amanchain Singh @ Sabu along with 12-13 unidentified persons were consuming liquor on the roof of Balwinder Singh @ Billa and were shouting loudly at the son of the complainant. They were using bad words against the son of the complainant upon which complainant along with his son went to their house and told them not to do so. Petitioner-Balwinder Singh @ Billa, his sons and other companions started

throwing brick bats at the complainant and his son. Son of the complainant took out his revolver in his defence, but did not fire. Petitioner-Balwinder Singh @ Billa raised lalkara. Sukhchain Singh @ Raja fired at the son of complainant and the bullet struck in his chest. He fell down and raised alarm. Thereafter Mandeep Singh @ Laada took a pistol from Sukhchain Singh @ Raja and fired upon son of the complainant. Thereafter the assailants ran away.

In the supplementary statement of the complainant name of petitioner-Dilbag Singh @ Baga was also added, who is nephew of petitioner-Balwinder Singh @ Billa. Dilbag Singh @ Baga was also alleged to be present at the roof and was involved in throwing brick bats.

Learned counsel for the petitioner(s) submitted that the alleged firing was done by Sukhchain Singh @ Raja and thereafter by Mandeep Singh after taking the pistol from Sukhchain Singh @ Raja. No role has been attributed to the petitioner-Balwinder Singh @ Billa except to allege that he raised lalkara. The role of petitioner-Dilbag Singh @ Baga as per supplementary statement of complainant is that he was also present at the roof and was involved in throwing brick bats.

Learned counsel further submitted that as per post mortem report of Jagdish Singh @ Disha, cause of death is

rupture of small intestine due to firearm injury. Only one injury was found with entry and exit wound.

On the other hand, learned State counsel (on instructions from ASI Ravinder Singh) duly assisted by learned counsel for the complainant opposed the bail on the ground that petitioners are members of unlawful assembly and they are also liable for commission of offence. Petitioner-Balwinder Singh @ Billa is in custody since 14.01.2021 and petitioner-Dilbag Singh @ Baga is in custody since 29.01.2021. Challan has been presented on 13.04.2021, but charges have not been framed so far.

Having heard learned counsel for the parties, I am of the view that no specific role has been attributed to the petitioner-Balwinder Singh @ Billa except *lalkara* raised by him. The gun shot injury is attributed to Sukhchain Singh @ Raja at the first instance and thereafter to Mandeep Singh @ Laada, who fired after taking the pistol from Sukhchain Singh @ Raja. Only one injury is found on the person of deceased with reference to entry and exit wound causing rupturing of small intestine. In the absence of any other injury on the person of deceased and of the complainant-party, the complicity of the petitioner(s) would remain debatable. Presence of petitioner-Dilbag Singh @ Baga has come forth in the supplementary

statement of complainant wherein he was found at the roof and was involved in brick batting.

Keeping in view the aforesaid facts and circumstances and also the situation arising out of COVID-19 pandemic, I deem it appropriate to grant bail to both the petitioners without meaning anything on the merits of the case.

In view of above, both the petitions are allowed. Petitioners are ordered to be released on bail, subject to their 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 opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

July 22, 2021

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No