

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

**CRM-M No.20033 of 2020 (O&M)
Decided on: 10.02.2021**

Jasbir Singh @ Momi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Avtar Singh Bhatti, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Ms. Gursimran Kaur, Advocate
for Mr. Salil Bali, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.0039 dated 28.02.2019, for offence punishable under Sections 302, 120-B of the Indian Penal Code, 1860 (in short 'IPC'), 25/27/54/59 of the Arms Act, registered at Police Station City Ferozepur, District Ferozepur.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of Kartar Singh, when he along with his son Pritam Singh had gone to drop his kids to school on a motorcycle and the complainant and his other son namely Harbans Singh were present at Bassi Gate Bazar after delivering the milk at Diary. Thereafter, Pritam Singh crossed them and they noticed that 02 boys on a motorcycle also crossed them and the pillion rider of the

motorcycle was having a pistol in his hand and are chasing him. In no time, the pillion rider fired a shot from his pistol. Thereafter, the son of the complainant Pritam Singh fell from the motorcycle and they stopped their motorcycle and came near his son and again fired 4-5 shots and when Kartar Singh and his other son Harbans Singh ran towards Pritam Singh, the aforesaid boys along with the pistol ran away from the spot. Thereafter, Pritam Singh died at the spot. It is further stated in the FIR that the motive of the occurrence is that one Harbhajan Singh @ Rana, whose family is indulging in the business of narcotics is having his house next to the house of the complainant and about 02 months' ago, Harbhajan Singh had killed the brother of the complainant namely Bagga Singh with fire shot from the pistol and in self-defence, Bagga Singh also opened fire and killed Harbhajan Singh @ Rana. Joginder Singh @ Sammi, his brother Soni and his father Lal Singh @ Lallu, who are lodged in a jail, were extending threats to them and threatened to kill them. It is also argued that the petitioner is in custody since 26.06.2020 and it will take some time in conclusion of the trial due to COVID-19 situation.

Counsel for the petitioner has also submitted that thereafter, during the investigation, the police recorded the statement of one Jagdish Singh, who stated that when he was having a dinner at a Dhaba then Amarjit Singh @ Ambi, Kali @ Ramesh and 03 unidentified persons were making a plan to commit the murder of Pritam Singh.

Reply by way of affidavit of the Deputy Superintendent of Police, City Ferozepur is filed and as per the reply, Raj Singh @ Shindri

@ Chindi, who was arrested after recording the statement of the aforesaid Jagdish Singh has made a disclosure statement that they committed the offence and the weapon used in the crime was handed over to the petitioner and thereafter, the petitioner was arrested and the weapon was recovered. It is further submitted that there is no allegation of any conspiracy or motive against the petitioner and the only allegation is that the weapon was recovered from him.

Counsel for the State, on the basis of the Custody Certificate, has also submitted that the petitioner is involved in one more FIR registered under Section 25 of the Arms Act and under the Excise Act.

Without commenting anything on merits of the case and considering the fact that the petitioner is in custody since 26.06.2020; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

10.02.2021

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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No