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

**CRM-M No.24823 of 2021(O&M)
Date of Decision: 06.07.2021**

Kuldeep Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

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

Present:Mr. Ghulam Nabi Malik, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl., A.G. Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.136 dated 26.03.2021 registered under Sections 307, 447, 511, 148, 149 IPC and Section 25 of the Arms Act (Sections 54 and 59 of the Arms Act added later on) at Police Station Division No.5, Ludhiana.

FIR was registered at the instance of Jaswinder Singh with the allegations that house of his aunt Sarabjit Kaur wife of Pardeep Singh is situated in front of his house and the same is in the name of Jagpal Kaur i.e. mother-in-law of his aunt Sarabjit Kaur. His aunt is residing in America for the last about 40-45 years. The house was constructed in the year 1985-86. The grand-mother of the complainant gave the said house to Sadhu Singh Mistri and his family for looking after the same. One month back, uncle of the complainant Natha Singh being power of attorney of the house asked Sadhu Singh Mistri and his family members to vacate the house as the same was to be put on sale. Sadhu Singh Mistri and his family vacated the house. On 26.03.2021 at 10:00 PM, when the complainant was going to close shop in his house, then 20-25 persons came out in 4-5 vehicles. Sukhwinder Kaur, Jaswinder Kaur and Palwinder Singh were amongst them. They broke up the lock of the house with the help of iron rod and forcibly entered into the house. They broke the lock of the drawing room and entered the house. Complainant along with his sons namely Jaskaran Singh and Simranpreet Singh asked the assailants namely Sukhwinder Kaur, Jaswinder Kaur and Kulwinder Singh the reason for entering into the house. The said three persons along with other accomplices started beating the complainant party. Many persons gathered there. Sukhwinder Kaur, Jaswinder Kaur,

Palwinder Singh and their other companions having weapons started firing. They fired 14-15 shots with different weapons. Sons of the complainant received bullet injuries. Sukhwinder Kaur, Jaswinder Kaur and Palwinder Singh tried to flee from the spot along with their weapons, but Jaswinder Kaur was apprehended at the spot and other assailants fled away from the spot. Further allegations are that the complainant thereafter came to know that along with Sukhwinder Kaur, Jaswinder Kaur and Palwinder Singh, other persons namely Gurbir Singh, Gurmit Singh and Kuldeep Singh (petitioner) had also come to take possession of the house.

Learned counsel for the petitioner submits that Sukhwinder Kaur has been found to be innocent and her name has been placed in column No.2. Jaswinder Kaur was arrested at the spot and she has been granted regular bail by the Additional Sessions Judge, Ludhiana vide order dated 01.06.2021. The presence of the petitioner is shown at the spot without there being any overt-act on his behalf. Petitioner has not fired any shot, nor participated in the process of taking alleged forcible possession of the house.

On the other hand, learned State counsel opposed the bail on the ground that the petitioner was also instrumental in the process of taking forcible possession as he used to facilitate

others to take possession of the house and number of cases have been registered against him. He had arranged people go around with weapons in order to take possession of the house with an intention to kill by way of firing upon them.

Having perused the contents of the FIR and other material on record, I find that the petitioner is in custody since 26.03.2021. No specific overt-act has been attributed to the petitioner Jaswinder Kaur was arrested at the spot and has been enlarged on regular bail by the Court of Sessions. Sukhwinder Kaur has been found to be innocent and her name has been placed in column No.2. Name of the petitioner along with Gurbir Singh and Gurmit Singh has been disclosed in the later part of the FIR and their presence was shown along with others without there being any overt-act.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail without advertng to the merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his 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 any opinion on merits of the case.

06.07.2021
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No