

In virtual Court

CRM-M-22151-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22151-2020 (O&M)

Date of decision: 28.04.2021

Manual @ Chucha

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Nakul Sharma, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

CRM-11996-2021

For the reasons stated in the application, same is allowed and statements of PW2 Chamkaur Singh and PW-3 Montu Gill are taken on record as Annexures P-6 and P-7 respectively.

CRM stands disposed of.

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This is 2nd petition for grant of regular bail in FIR No.115 dated 07.10.2018 under Sections 302, 307, 341, 148, 149, 427 and Section 25/27/54/59 of Arms Act (Section 120-B IPC was added later on), registered at Police Station Cant Ferozepur, District Ferozepur; earlier one was dismissed as withdrawn with liberty to file fresh after recording statements of injured

Chamkaur Singh and witness Montu Gill.

Learned counsel for the petitioner submits that since statements of both injured and witness have been recorded, this second petition has been filed with new grounds.

Brief facts of the case are that FIR was registered on the statement of complainant Jagsir Singh @ Jagga that in the year 2015, he had a quarrel with co-accused Vicky @ Samual in Central Jail, wherein the complainant was undergoing sentence in NDPS case. The complainant was on parole from 03.10.2018 to 23.10.2018. On 06.10.2018, he was celebrating his birthday with his friend Sheeshu. This function was attended by Sonu, Harjinder Singh @ Pinka, Chamkaur Singh, Rakesh Kumar @ Happy and Rajvir Gill @ Sonu. At about 11.30 pm, they had gone to house of Vishal. A white coloured car came in front of car of Chamkaur Singh and another vehicle came from the backside. Vicky @ Samual and Wilson were armed with their respective pistols and some unidentified persons were sitting in the car. One unidentified person, who was armed with khanda, came out of the second car and gave a blow on the car of Chamkaur Singh. 8-9 other persons armed with baseball, kappas and pistol came out from both the vehicles and instigated Vicky @ Samual to teach a lesson to the complainant party. Vicky @ Samual fired towards car of Chamkaur Singh. When Harjinder Singh @ Pinka tried to run away, Wilson fired a shot from his pistol on him. Vicky @ Samual fired a shot on Chamkaur Singh with intention to kill. Thereafter, the accused ran away. The complainant noticed that Sonu was lying injured in the car with a firearm injury. When Sonu and Harjinder Singh @ Pinka were shifted to hospital, they died on the way.

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Learned counsel for the petitioner has argued that statements of Montu Gill under Section 161 Cr.P.C. was recorded by the police, after much delay and carries no truth. It is further submitted that the petitioner is not named in the FIR or the challan. It is also submitted that identification of the petitioner is disputed and therefore, he should be granted the concession of regular bail.

On the other hand, learned State counsel has opposed the prayer for bail on the ground that two persons were murdered by the accused and has referred to the statement of PW2 Chamkaur Singh (Annexure P-6), wherein he has duly supported the prosecution version and has identified the accused persons present in the Court. It is submitted that this witness is an injured eye-witness. Learned State counsel has further referred to the statement of PW3 Montu Gill, another witness, who has named the petitioner along with Manual @ Mema as the person, who had done the recci of deceased Sonu and his friend. This witness even in his statement under Section 161 Cr.P.C. has named the petitioner as the person, who has conducted the recci and given information about movement of main accused Vicky @ Samual.

After hearing learned counsel for the parties, considering the serious allegations of committing murder of two young persons, I find no ground to grant regular bail to the petitioner.

Dismissed.

**[ARVIND SINGH SANGWAN]
JUDGE**

28.04.2021

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No