

In virtual Court

CRM-M-22695-2020

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22695-2020 (O&M)

Date of decision: 19.01.2021

Parampreet Singh @ Goldy

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.P.S. Sidhu, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

This is 4th petition for grant of regular bail in FIR No.226 dated 03.11.2011 under Sections 302, 307, 379, 129, 506, 148, 149 IPC and Sections 25 & 27 of Arms Act, registered at Police Station Sahnewal, Ludhiana, District Ludhiana; earlier one was dismissed by this Court.

Learned counsel for the petitioner submits that new ground for filing this petition is that the petitioner is in custody since 08.07.2017 and after dismissal of earlier bail application, some of the co-accused have been granted the concession of regular bail. It is further submitted that as per allegations in the FIR, registered at the instance of Harpreet Singh, he along with Sandeep Singh @ Sunny, Harkamaljot Singh, Jugraj Singh was present in a marriage palace. When Sandeep Singh received a call from Amrinder that in Saggu

Palace, persons named Gugni, Goldy, Grewal, Sucha, Aman, Money, Babbi and Rock Kalyan have beaten him and they are standing outside waiting him to come out and give beatings. On this, all the aforesaid persons, in a Pajaro car, reached Saggu Palace and called Amrinder Singh and others, who came in their respective vehicles with the weapons. When the complainant's car stopped, Sandeep came out and Goldy gave a firearm shot, which hit on his stomach. In the meantime, Surinder Singh @ Chinda went to handle Sandeep, then Gugni with his weapon, fired a shot on left cheek of Chinda. Then both Sandeep and Chinda were lying on the ground, all the persons gave kick blows. When they raised voice, the accused persons ran away in their respective vehicles and took away the pistol of maternal grandfather of Sandeep, which was lying on the dashboard of the car. Thereafter, the injured were taken to hospital. Later on, Surinder @ Chinda died.

Learned counsel for the petitioner further submits that as per the FIR, the petitioner is attributed one firearm injury to one of the injured witness, as the injury to deceased is attributed to co-accused Dharminder Singh @ Gugni, who has already been granted the concession of regular bail vide order dated 12.09.2018 passed in CRM-M-13892-2017. A perusal of this orders shows that primary ground for granting bail to Dharminder Singh @ Gugni was that he was in custody for the last about five and half years. It is also submitted that the case is still at the stage of recording the prosecution evidence.

Considering the long custody of the petitioner, on 11.01.2021, report from the trial Court was sought.

Learned Additional Sessions Judge, Ludhiana has submitted the

report dated 15.01.2021, which reads as under: -

“Most humbly, it is submitted that in the subject cited case, accused Dharminder Singh @ Gugni and Parampreet Singh @ Goldy are in custody whereas accused Amardeep Singh is reported to have expired and other accused Sucha Singh, Jinder Singh and Manjinder Singh are proclaimed offenders. The other three accused namely Amandeep Singh, Baljit Singh and Gurjeet Singh are on bail, but due to the restrictive working of the Courts on account of pandemic of Covid-19, these accused are not appearing in person in the Cort. Accused Dharminder Singh @ Gugni is presently confined in Tihar Jail whereas Parampreet Singh @ Goldy is confined in Nabha Jail. The production warrants for procuring the presence of these accused through video conference have also been issued and appearance of accused Amandeep Singh, Baljit Singh and Gurjeet Singh who are on bail, has also been sought for recording evidence of prosecution witnesses. The summons for procuring the presence of prosecution witnesses have been issued for 01.02.2021.

It is further submitted that thirty prosecution witnesses have been examined and only three prosecution witnesses are left to be examined and the names of these witnesses are Sandeep Singh son of Jaswinder Singh, Amrinder Singh son of Kashmira Singh, Gurmukh Singh, Photographer. One of the accused namely Dharminder Singh @ Gugni being hardcore criminal has been

kept in Tihar Jail, Delhi as he is facing trial in other criminal cases also. Due to numerous Covid-19 patients in District Ludhiana and in view of the directions issued by the Hon'ble Punjab and Haryana High Court, Chandigarh and learned District and Sessions Judge, Ludhiana, only restricted hearings were being conducted during the period commencing from March, 2020. Moreover, the prosecution witnesses and three accused (who are on bail) are not appearing before the Court on account of prevailing situation of Pandemic of Covid-19 and their presence is being procured. Summons have been issued for procuring the presence of remaining three prosecution witnesses as submitted above."

A perusal of the report reveals that the trial is delayed on account of non-appearance of the witnesses due to COVID-19 situation and also in view of the fact that one of the accused is in Tihar Jail.

Learned counsel for the petitioner has also submitted that injured Sandeep himself is a proclaimed offender in some other case and on that account, he is not appearing as a prosecution witness.

Learned State counsel has not disputed the factual position.

After hearing learned counsel for the parties, without commenting upon merits of the case and considering the fact that three co-accused of the petitioner namely Amandeep Singh, Baljit Singh and Gurjeet Singh are on bail and even main accused Dharminder Singh @ Gugni, though has been granted the concession of regular bail, but he is involved in some other case at Delhi

In virtual Court

CRM-M-22695-2020

-5-

and is lodged in Tihar Jail and also in view of the fact that the petitioner is in custody for the last 03 years and 05 months and the case is still at the stage of recording the prosecution witness, which is delayed due to the reasons explained by the trial Court, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

Petition is disposed of.

19.01.2021
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No