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

-.-

CRM-M-29863-2021

Date of decision : 11.08.2021

Baljinder Singh @ Gora

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Harpal Singh Sidhu, Advocate for the petitioner

Ms. Bhavna Gupta, DAG Punjab

ALKA SARIN, J.

Heard through video conferencing.

This is the second regular bail petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail in FIR No.67 dated 02.06.2020 (Annexure P-1) under Sections 307, 120-B IPC and Sections 25/27 of the Arms Act, 1959 registered at Police Station Sidhwan Bet, District Ludhiana Rural. The first petition under Section 439 CrPC (CRM-M-39601-2020) was dismissed as withdrawn on 19.01.2021.

As per the allegations in the FIR dated 02.06.2020 (Annexure P-1) lodged by Hardip Singh s/o Pavittar Singh, on 01.06.2020 some unknown persons had shot bullets at his father with an intent to kill him after hatching a conspiracy. The complainant had rushed home from his work place (Mittal Clinic) and had taken his father to the Civil Hospital, Sidhwan Bet where the doctor referred him to ESI Hospital, Ludhiana. From ESI Hospital the father of the complainant was referred to CMC Hospital, Ludhiana where he was being treated. According to the complainant his

father could recognize the unknown persons if they came in front of him.

The counsel for the petitioner has urged that the petitioner has been falsely implicated in the case. The petitioner has not been named in the FIR and no role is attributable to the petitioner in the attack on the father of the complainant. He has contended that Section 307 IPC is not attracted against the petitioner since no injury is attributable to him. Counsel for the petitioner has also contended that the final challan has been presented in Court though charges have not been framed and the trial is not progressing. He has also contended that after the withdrawal of the first petition for regular bail the circumstances have changed as the period in custody of the petitioner has increased.

Learned State counsel has opposed the bail petition and has submitted that the petitioner was apprehended on 18.09.2020 and was part of a conspiracy hatched to kill Pavittar Singh, father of the complainant. According to the State counsel the petitioner was hand-in-glove with Kirpal Singh @ Pala who had arranged a contract killer who had shot at the father of the complainant. The petitioner was arrested on 28.07.2020 after he was nominated by the co-accused Devinder Singh. The hit-man was arranged by co-accused Kirpal Singh @ Pala who was lodged in Sangrur Jail. The petitioner had put both the co-accused - Devinder Singh and Kirpal Singh @ Pala - in touch with each other through his phone. Even Kirpal Singh @ Pala had named the petitioner. It is argued that the petitioner may abscond or influence the witnesses and therefore the petitioner ought not to be released on bail.

I have heard learned counsel for the parties.

In the present case the petitioner is not named in the FIR and no

injury to the father of the complainant is attributed to him. However, as per the investigation conducted, the petitioner had used his phone to put the co-accused Devinder Singh and Kirpal Singh @ Pala in touch with each other. It was thereafter that the contract killer was arranged by Kirpal Singh @ Pala while sitting in jail. The investigations qua the petitioner stand completed and no further recoveries are to be made from him. In view of the above and without commenting upon the merits of the case and considering the fact that the trial is likely to take some time to conclude especially in view of the prevailing conditions on account of COVID-19 Pandemic and also the fact that the petitioner has been behind bars since 28.07.2020, no useful purpose would be served by keeping the petitioner behind the bars any further. This Court, therefore, deems this to be a fit case for grant of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

August 11, 2021
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(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO