

CRM-M-30285 of 2021

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

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**CRM-M-30285 of 2021 (O&M)
Date of decision:26.10.2021**

Gurpreet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

**CRM-M-30649 of 2021
Date of decision:26.10.2021**

Jobanpreet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. B.S.Bhalla, Advocate
for the petitioner in CRM-M-30285 of 2021.

Mr. Vaibhav Narang, Advocate
for the petitioner in CRM-M-30649 of 2021.

Mr.Prabhjot Singh Walia, AAG, Punjab.

Mr. S.P.Singh, Advocate
for the complainant-Jaan Vij and injured-Pittu Vij
in CRM-M-30285 of 2021.

Mr. Vibhu Walia, Advocate
for the complainant in CRM-M-30649 of 2021.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

CRM No.35477 of 2021 in CRM-M-30285 of 2021

Application is allowed.

Testimonies of Jaan Vij, Pitu Vij, Harpreet Kaur and Balwinder Singh are taken on record as Annexures P-3 to P-6 respectively.

Main Cases

This order will dispose of two petitions i.e. CRM-M-30285 of 2021 titled as 'Gurpreet Singh Vs. State of Punjab' and CRM-M-30649 of 2021 titled as 'Jobanpreet Singh Vs. State of Punjab' as both the petitioners are accused in FIR No.70 dated 08.03.2021 registered for offence under Sections 307 and 34 of the Indian Penal Code, 1860 and Sections 25 and 27 of the Arms Act, 1959, at Police Station B-Division, District Amritsar and have approached this Court by way of separate petitions seeking grant of regular bail under Section 439 of the Code of Criminal Procedure, 1973.

As per the case of prosecution, FIR has been registered on the statement of Jaan Vij on the allegation that on 07.03.2021 at about 11.30 p.m., when he was standing on the road side with his brother Laksh Vij, mother Pitu Vij and her friend Hapreet Kaur, two young persons travelling in a speeding Verna car with another car following it, almost hit them. An altercation took place and the person, who was driving the second car, instigated persons in the first car to kill them, whereupon a bullet shot was fired by the driver of the Verna car, which hit chest of Pitu Vij, who fell on the ground and was immediately rushed to the hospital for treatment. The drivers of both the cars were apprehended and they disclosed their names as Jobanpreet Singh (petitioner in CRM-M-30649 of 2021) and Gurpreet Singh (petitioner in CRM-M-30285 of 2021).

Counsel for the petitioners have argued that FIR has been registered on account of some misunderstanding as the petitioners were neither present at the spot nor were they involved in the occurrence. Reliance has been placed on a compromise dated 18.06.2021 (Annexure P-1) which has been signed by both the accused-petitioners, complainant, injured and witnesses. Counsel for the petitioners have relied upon the testimonies, Annexure P-3 to P-5, of the complaint, injured and witness-Harpreet Kaur, who have been examined as PW1 to PW3 respectively to submit that all the star witnesses have denied the presence of the accused at the spot and have categorically stated in their examination-in-chief that the accused had not fired upon Pitu Vij. Counsel asserts that the petitioners, who have clean antecedents and are in custody since 08.03.2021, deserve to be enlarged on bail as they are innocent and are no longer required for custodial interrogation.

Per contra, State counsel upon instructions from ASI Jagdish Kumar has opposed the petitions and submits that nature of the allegations as well as gravity of offence does not warrant the release of the petitioners on bail. On the basis of the custody certificates filed by him, he is not in a position to dispute that the petitioners have clean antecedents. As per his instructions, prosecution evidence is underway, though there are 31 prosecution witnesses to be examined in all.

I have considered the respective submissions of counsel for the parties.

Keeping in view the facts and circumstances of the cases, this Court is of the opinion that the complicity of the petitioners in offence would remain debatable and the petitioners, who have a clean past and have suffered incarceration for the last more than 07 months would be entitled to be released on bail as the trial is likely to take time to conclude.

Without examining the merits or demerits of the arguments addressed by the counsel for the parties, both the petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

October 26, 2021

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>