

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-31893-2021 (O&M)

Date of Decision:- 13.8.2021

Arminder Singh @ Mangu Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Navkiran Singh, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Satnam Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.49, dated 8.5.2020, Police Station Subhanpur, District Kapurthala, under Sections 302, 307, 34 IPC and Sections 25, 27 of Arms Act.
2. The FIR was lodged at the instance of Pardeep Singh wherein it is alleged that on 7.5.2020 at about 9.30 pm. he along with his friends i.e. fellow *Kabaddi* players namely Arwinderjit Singh, Balraj Singh, Gurjit Singh and Mangal Singh, were going in an Endeavor vehicle driven by Maninder Singh. It is alleged that when they were near main bus stand *Lakhan Ke Padde*, then they noticed a grey coloured vehicle parked by the side of the road in which curtains were affixed on the rear windshield. Getting suspicious, they took their vehicle

near the said parked car and which sped away towards the village. The complainant and others chased the said vehicle and were able to intercept the same on the boundary of the village. When the complainant and his friend Arvinderjit Singh alighted from the vehicle, they saw that Paramjit Singh who is a police official was there carrying a revolver and who started firing at the complainant and at Arvinderjit Singh. The bullets hit on the chest of Arvinderjit Singh and also the complainant on his shoulder and waist. The complainant and others in order to save themselves took shelter behind the vehicle. It is further alleged that in the meantime Mangu (petitioner) who belongs to their village got out of the car and challenged them by raising a '*lalkara*'. It is alleged that the complainant and others in order to save their lives went towards SGL Hospital, Mustafabad. It is further the case of prosecution that on account of the injuries sustained by Arvinderjit Singh, he ultimately succumbed to his injuries.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the instant case and that even if the allegations as levelled in the FIR are taken to be correct, still it is evident that neither the petitioner was armed with any weapon nor is attributed any injury and in fact he had alighted from the car after the incident of firing had already taken place and is attributed a '*lalkara*' after the incident of firing.
4. Opposing the petition, learned State counsel has submitted that since the petitioner was accompanying Paramjit Singh who had fired at the

complainant party and had also raised a ‘*lalkara*’, his complicity is clearly evident and that he shared common intention with his co-accused to commit the murder. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last 1 year and 3 months and that he is not wanted in any other case. It has further been informed that although challan has been presented but till date only one out of the cited 40 PWs has been examined.

5. I have considered rival submissions addressed before this Court.
6. It is not in dispute that the petitioner was unarmed and is not attributed any injury. The sequence of the events as unfolded from the FIR clearly show that the petitioner had alighted from the car after the incident of firing had taken place. The petitioner has already been behind bars for a substantial period of 1 year and 3 months and is not even stated to be involved in any other case. The conclusion of trial is likely to consume substantial time as till date only 1 out of the cited 40 PWs has been examined.
7. Having regard to the aforestated facts and circumstances, further detention of the petitioner will not serve any useful purpose. The petition is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

13.8.2021

Mohan

Whether speaking /reasoned

Whether Reportable

(GURVINDER SINGH GILL)
JUDGE

Yes / No

Yes / No