

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

CRM-M-28114 of 2020

DECIDED ON: 7th JANUARY, 2021

Gursewak Singh @ Bamb

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. J.S. Thakur, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for regular bail in case of FIR No. 133 dated 27.8.2018, under Section 302, 148, 149, 427 IPC and Section 25/54/59 of Arms Act, 1959 registered at Police Station Goindwal Sahib District Tarn Taran.

The facts of the case are as under:-

The FIR was lodged on 27.8.2018 at the instance of Sukhwinder Kaur. Gurjant Singh son of the complainant left his house along with Bittu in his car for an urgent work. When the complainant was coming from Gurdwara Bauli Sahib, she saw Gurjant Singh with Sahilpreet Singh in his Hyundai i-20 car bearing registration No. PB-02CU-9041. Little later, she saw Thar vehicle bearing registration No. CG-04HK-0086 driven by Iqbal Singh @ Afridi. There was another car following the Thar in which the occupants were Prabhjit Singh, Rubal, Robanjit, Kulwinder Kaur Patwaran, Gursewak Singh and Pargat Singh to whom she knew because of her son. The Thar came in front of Hyundai i-20 car and stopped it. A lalkara was raised for teaching lesson to Sahilpreet

Singh for contesting the gram *panchayat* elections for the post of Sarpanch against Prabhjit Singh. Iqbal Singh @ Afridi fired shots which hit the wind shield of the Car. Sahilpreet Singh and Gurjant Singh got down from the car to save themselves, they were shot at by Iqbal Singh @ Afridi and his companions. Gurjant Singh received wound on his head. Sahilpreet Singh and a passerby also received injuries. The occupants of the car following the Thar also fired, resultantly, Arshpreet Singh received the fire injury. Afridi was also injured in the firing. Gurjant Singh was taken to Guru Nanak Dev Super Specialty Hospital, Tarn Taran, where he was declared dead. Sahilpreet Singh, Arshpreet Singh and passerby also lost their lives due to injuries sustained.

The DDR was recorded on the basis of statement of Ravinder Iqbal Singh. On 27.08.2018 at 5:30 p.m., he went to Gurdwara Bauli Sahib on his motorcycle. After parking the motorcycle, he went towards Gurdwara Sahib. Then two black Scorpio cars came whose registration number he could not read. In one of the Scorpio, Gurlal Singh, Harpal Singh @ Bittu and 4-5 unknown persons were sitting. In the second Scorpio, Jagroop Singh, Amritpal Singh and Manjit Singh @ Manna and 4-5 other unknown persons were there. They were armed with deadly weapons i.e. 315 bore rifle, 12 bore revolver and pistol. There was one Hyundai i-20 car bearing registration No. PB-02CU-9041 driven by Sahilpreet Singh. Gurlal Singh raised lalkara that Rubal should be taught a lesson for joining Afridi gang. Iqbal Singh @ Afridi came in Thar Jeep bearing registration No. CH-04HC-0086 from Fatehabad side and Arshpreet Singh was sitting with him. There were 4-5 more vehicles behind him in which Prabhjit Singh Malhi, Robanjit Singh and Gursewak Singh @ Bob, Pargat Singh and 4-5 armed persons came to protect him. Gurlal Singh fired 3-4 shots. One of the shot hit left plank of the complainant. He ran towards Gurdwara Bauli Sahib, thereafter, there was heavy firing between both the groups. Arshpreet Singh fired from his 315 bore rifle which hit on the chest of Arshpreet Singh. The shots fired by Gurlal Singh hit the passerby whose name was Dalbir Singh. Gurjant Singh and Sahilpreet Singh received fire shots injuries. Thereafter,

both the groups escaped and Sahilpreet Singh dragged himself towards his Car during which his pistol fell down. The injured were taken to various hospitals. The motive behind the occurrence was that Gurlal Singh had slapped and thrashed father of the complainant while Sahilpreet Singh and Gurjant Singh were his accomplices and it was only to show their strength that the incident took place.

Learned counsel for the petitioner submits that the petitioner is in custody since 30.10.2018, though the petitioner is named in FIR but no injury is attributed to him. He seeks parity with other co-accused Manpreet Singh @ Manjit Singh @ Manna and Pargat Singh who have been granted bail by this Court on 19.11.2020.

Learned State counsel on instructions from Sub Inspector Pawan Kumar is not in a position to dispute that the petitioner is in parity with Pargat Singh.

Considering the facts and circumstances of the case, the petitioner is directed to be released on bail subject to his furnishing of surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

The petition is disposed of.

(AVNEESH JHINGAN)
JUDGE

7th JANUARY, 2021

reema

Whether speaking/reasoned *Yes*

Whether reportable *No*