

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

231

**CRM-M-34602-2021
Decided on : 31.08.2021**

Ramandeep Singh @ Rammi

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Saurav Bhatia, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Haryana
assisted by ASI Gurmail Singh.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 87, dated 02.08.2014, registered under Sections 302, 148, 149 of IPC and Sections 25, 27 of the Arms Act (Act No. 54 of 1959), lodged at Police Station Sangat, District Bathinda.

Learned counsel for the petitioner has submitted that subsequent to withdrawal of the first petition on 29.05.2019, evidence of the complainant has been recorded.

Learned counsel for the petitioner *inter alia* has contended that the petitioner has been in custody since 03rd August, 2015 and only 08 out of the 28 prosecution witnesses cited so far have been examined. Hence, there is no likelihood of the trial concluding anytime in the near future. He has invited the attention of this Court to the FIR in question (Annexure P-1), which was got registered by the complainant Navjot Singh alias Navi,

wherein, it had been alleged that co-accused Gobind Singh armed with a 12 bore rifle and Mangu Singh also armed with a dangerous weapon along with two other unknown persons had come to his Dhaba and committed the crime in question in which one person lost his life. Learned counsel has further submitted that it was categorically stated by the complainant in the FIR that while accused Gobind Singh and Mangu Singh sprayed bullets on the complainant and others present at the Dhaba at the time of alleged occurrence, the other two unknown persons, who were unarmed, had only raised lalkaras.

Learned counsel for the petitioner has further submitted that it was on 05th August, 2014 i.e. after three days of the alleged occurrence, a statement under Section 161 Cr.P.C. was made by the complainant, wherein, for the first time, he named the petitioner as one of the two unknown persons, who had participated in the crime in question, but even in that statement, the complainant had not attributed any role to the petitioner, much less of causing any injury on any of the witnesses or on the person of the deceased Hardev Singh. Learned counsel has invited the attention of this Court to the testimony of the complainant recorded before the trial Court, which has been annexed as P-3. He has submitted that while stepping into the witness-box as PW-2, the complainant had made material improvements, which without a doubt cast a serious dent in the case of the prosecution. Learned counsel has submitted that the complainant deposed contrary to the initial version given at the time of registration of the FIR as well as his statement recorded under Section 161 Cr.P.C. on 05.08.2014, inasmuch as, he deposed that the petitioner, who at the time of alleged

occurrence was armed with a rifle had also fired along with the co-accused.

Learned counsel has still further invited the attention of this Court to the cross-examination of the complainant annexed as Annexure P-3, and submitted that it was very strange that as per his own admission the complainant deposed that he knew the petitioner very well even prior to the occurrence, however, for reasons best known, he did not name him in the FIR in question. Learned counsel has submitted that if the petitioner was well known to the complainant, it failed to appeal to reason as to what prevented the complainant from naming him, in the FIR in question, which was got registered soon after the occurrence. He has also submitted that it was not the case of the prosecution that the complainant had received injuries in the occurrence in question and hence, was medically or otherwise unfit to get his statement recorded *qua* the involvement and role of the petitioner in the crime in question.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Gurmail Singh, has very fairly conceded that in the FIR in question only lalkara was attributed to the petitioner and he was alleged to be unarmed, however, while stepping into the witness-box as PW-2, the complainant had deposed that the petitioner fired from a rifle, which he was carrying at the time of alleged occurrence.

Heard.

After hearing learned counsel for the parties, the prayer of the petitioner for grant of bail is accepted, as the trial is unlikely to conclude in the near future. The petitioner is admitted to bail to the satisfaction of trial

Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 31, 2021
J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*