

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

CRM-M-30403 of 2020.

Decided on:- January 11, 2021.

Gurjinder Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Ranbir Singh Sekhon, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, A.A.G., Punjab.

Mr. Tarun Shrama, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.42 dated 21.04.2020 under Sections 302, 307, 341, 188, 148 and 149 IPC as well as Sections 25 and 27 of the Arms Act, 1959 registered at Police Station Makhu, District Ferozepur.

The aforesaid FIR was registered against co-accused Rajbir Singh son of Balbir Singh, Lakhwinder Singh son of Tehal Singh, Sarbjit Kaur wife of Jagraj Singh, Rajwinder Kaur daughter of Jagraj Singh and Gurjinder Singh (present petitioner).

As per the FIR, on 20.04.2020 at about 08.00 P.M., complainant Jagjit Singh along with his friend Judge Singh after taking dinner was walking in the street. When they reached on four-way crossing of Gadduwala, then from Gadduwala side, one Bolero jeep of white colour came there and the driver of said jeep stopped his vehicle near the complainant. Accused

Rajbir Singh was armed with a pistol, accused Lakhwinder Singh was armed with a Kapa and the unknown driver alighted the jeep. Then all the accused asked the complainant and his friend Judge Singh that why they have come there during the lockdown and the accused started abusing the complainant and his friend. On hearing the noise, accused Jagraj Singh, Gurjinder Singh (present petitioner), Sarabjit Kaur and Rajwinder Kaur also reached there and started abusing the complainant and his friend. Then all the accused raised a Lalkara, whereas accused Rajbir Singh fired two shots with his pistol towards the complainant and his friend with an intention to kill them. The fire shot hit on the left elbow of the complainant. Judge Singh had died in the incident. On raising hue and cry, all the accused ran away from the spot along with their respective weapons. During investigation, Pala Singh son of Darbara Singh (driver of the jeep) was also nominated as an accused.

Learned counsel for the petitioner has argued that the allegation of fire on Judge Singh which ultimately caused his death, is levelled against co-accused Rajbir Singh. At the most, the allegation against the petitioner is that he was present at the scene of occurrence. There is no specific allegation against the petitioner that he raised a Lalkara. The petitioner is in custody since 22.04.2020.

Learned State counsel and learned counsel for the complainant have argued that the bail application of co-accused Rajwinder Kaur and Sarabjit Kaur has already been dismissed by this Court. The petitioner was a member of the unlawful assembly and was present at the scene of occurrence and, therefore, he is not entitled for bail.

I have heard learned counsel for the parties.

Except that the presence of petitioner is recorded at the scene of occurrence, there is no specific allegation against him that he caused any injury to the complainant or the deceased except Lalkara. Even the allegation of Lalkara is not specific against the petitioner. He is in custody since 22.04.2020. Therefore, in the absence of any specific allegation regarding his participation in the crime, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove are limited for the purpose of decision of the present petition only and shall not be construed as any expression of opinion on the merits of the case. The trial Court shall decide the case without being influenced with these observations in any manner.

January 11, 2021
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No