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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.39391 of 2020 (O&M)

Date of decision: 22.03.2021

Simranjit Singh @ Sima

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S. Brar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.8 dated 13.01.2020, for offence punishable under Sections 302, 506, 341, 120-B of the Indian Penal Code, 1860 (in short 'IPC') (Sections 212/216 IPC and 29 of the NDPS Act, added later) and 25 of the Arms Act, registered at Police Station Kartarpur, District Jalandhar.

The earlier one was dismissed as withdrawn on 08.10.2020.

Counsel for the petitioner has argued that now the investigation is complete and therefore, the 2nd petition has been filed seeking regular bail to the petitioner.

Counsel for the petitioner has further submitted that as per the allegations in the FIR, registered at the instance of Jaswinder Singh, on 13.01.2020, he along with his brother Jagjit Singh and Ex-Sarpanch

Santokh Singh and one Rajan Singh were coming in their car towards village Dhirpur. The car was driven by Rajan Singh and when they reached near the government school in village Dhirpur, there Simranjit Singh armed with a pistol, Aman armed with pistol, Sukhpal Singh @ Sukha @ Nikka armed with baseball bat, were standing and they waylaid their car and brought all the occupants of the car out. Sukhpal Singh @ Sukha identified him and raised a lalkara that Jagjit Singh is wanted by them in order to teach him a lesson and he has taken money for killing them, from Lakhwinder Singh Lakha. Thereafter, Aman fired from his pistol on Jagjit Singh with intention to kill but he escaped and thereafter, Simranjit Singh fired from his pistol, which hit his brother on the chest and he fell down and thereafter, the accused persons ran away from the spot and he was brought to Sacred Heart Hospital, Jalandhar, where doctors declared him dead.

On a specific averment made by counsel for the petitioner, on 17.03.2021 that '*Simranjit Singh @ Siman*' had fired a shot to kill the brother of the complainant whereas the petitioner is '*Simranjit @ Sima*' and both the accused persons are different persons of different parentage and the only allegation against the petitioner is harboring the accused and primarily the charge against him are under Sections 212/216 IPC, the Investigating Officer was directed to file a specific affidavit after verifying this fact.

Counsel for the State has filed the affidavit of the Deputy Superintendent of Police, Sub-Division Kartarpur, District Jalandhar, in which it is stated that on 11.07.2020, after Amanpreet Singh @ Aman was arrested, he disclosed the sequence and also gave the name of other

accused persons and further disclosed that subsequent to the occurrence, he along with his brothers went to the house of the petitioner Simranjit Singh @ Sima, who was the friend of co-accused Sukhpal Singh @ Sukha and he arranged a hide-out/stay for all the accused persons, who committed murder of Jagjit Singh (brother of the complainant) at his maternal grandparents house. It is further stated that the other accused are also involved in drug trafficking/weapon smuggling across the Indo-Pak Border.

In view of the specific averment made by the Deputy Superintendent of Police, District Jalandhar, the petitioner was nominated on the disclosure statement of Aman with the allegation that since he was friend of another co-accused Jagjit Singh, therefore, the petitioner has arranged for stay/hideout for all the accused persons after the commission of offence at his maternal grandparents house and therefore, the allegations against the petitioner are primarily under Sections 212/216 IPC. Counsel for the petitioner has additionally argued that the petitioner is in custody from 20.07.2020 and he is not involved in any other case and the conclusion of the trial will take some time.

Counsel for the State on the basis of the Custody Certificate and the affidavit of the Deputy Superintendent of Police, Jalandhar, has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 20.07.2020; the petitioner is not involved in any other case; the custodial

interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

22.03.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No