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CRM-M-39494-2020 (O&M) &
CRM-M-35313-2020 (O&M)

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

210 (2 cases)

**CRM-M-39494-2020 (O&M)
Date of Decision:12.03.2021**

Kirpal Singh

....Petitioner

Versus

State of Punjab

....Respondent

2.

CRM-M-35313-2020 (O&M)

Gurpreet Singh @ Netar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ishan Thakur, Advocate for
Mr. L. S. Sidhu, Advocate
for the petitioner in CRM-M-39494-2020.

Mr. A. P. S. Deol, Senior Advocate with
Mr. Vishal Lamba, Advocate
for the petitioner in CRM-M-35313-2020.

Mr. Rana Jasdeep Singh, DAG, Punjab,
assisted by SI Balwinder Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)**CM No.7762 of 2021 in CRM-M-35313-2020**

In view of the reasons mentioned in the application, the same is allowed and the documents annexed with the application are taken on record as Annexures P-4 to P-8 subject to all just exceptions.

Main cases

1. This order shall dispose of the above mentioned two petitions filed on behalf of petitioners Kirpal Singh and Gurpreet Singh @ Netar seeking grant of regular bail in respect of a case registered vide FIR No.56 dated 14.03.2020 at Police Station City 2 Mansa, District Mansa under Sections 302, 148 and 149 of Indian Penal Code and Sections 25, 27 of Arms Act, wherein offences under Sections 307 and 201 IPC were added later on.
2. The FIR in question was lodged at the instance of Vandna Rani wife of Chander Mohan, wherein it is alleged that about two years ago Pritpal Singh @ Dalli had kidnapped her husband Chander Mohan and he had been beaten up and on account of which her husband had lodged an FIR against Pritpal Singh @ Dalli. Said Pritpal Singh @ Dalli threatened to eliminate her husband. About two years back her husband had submitted an application to the Police seeking protection of his life. It is alleged that on 13.03.2020, when her husband had some work in the office of Zila Parishad, Mansa, she

had also accompanied him. Her brother-in-law (*Jeth*) Ashwani Kumar also came there. It is alleged that at about 3:00 p.m. Pritpal Singh @ Dalli came there and opened fire with his pistol at her husband. Abhijot Singh son of Pritpal Singh @ Dalli also opened fire on account of which complainant's husband was seriously wounded. Complainant's husband was taken to hospital but he succumbed to his injuries. It is further alleged that Pritpal Singh @ Dalli was also accompanied by 4-5 unidentified persons who were carrying weapons and that all these persons fled away from the spot. It is alleged that the motive for killing her husband was enmity between her husband and Pritpal Singh @ Dalli.

3. Learned counsel for the petitioners has submitted that they are nowhere named in the FIR and although apart from Pritpal Singh @ Dalli and Abhijot, there is reference to 4-5 unidentified persons who were present there but no overt act has been attributed to them. It is further submitted that, in any case, it is Pritpal Singh @ Dalli, who had a motive to eliminate complainant's husband.
4. Opposing the petition, the learned State counsel has submitted that since in the FIR, there is a categorical reference to presence of 4-5 unidentified persons and in fact the challan had been presented initially against Pritpal Singh @ Dalli, Abhijot, Kirpal Singh and Sukhdev Singh and later a supplementary challan has also been

presented against Gurpreet Singh and their presence has been duly established, no case for grant of bail is made out.

5. Learned State counsel has however, informed that as on date Kirpal Singh has been behind bars since the last nine months and Gurpreet Singh has been in custody since the last more than seven months and that till date not even a single PW has been examined.
6. I have considered rival submissions addressed before this Court.
7. Having regard to the fact that none of the petitioner is named in the FIR and that it is the co-accused Pritpal Singh @ Dalli and Abhijot only who are specifically alleged to have fired at the deceased and no overt act is attributed to other 4-5 unidentified persons as stated in the FIR and while also noticing that petitioners have been behind bar since last seven to nine months and no PW has been examined till date, further detention of the petitioners will serve no purpose as conclusion of the trial is likely to take time. The petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

12.03.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No