

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

CRM-M-40090 of 2020

DECIDED ON:23rd MARCH, 2021

Lovejit Singh @ Love Khakh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Ms. Sukhpreet Kaur Grewal, Advocate for petitioner.

Mr. H.S. Sitta, AAG Punjab.

Mr. Amit Arora, Advocate for complainant.

AVNEESH JHINGAN, J (ORAL)

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

This petition is for grant of regular bail in case of FIR No. 133, dated 27.8.2018 under Sections 302, 427, 148, 149 IPC, 1860 and Sections 25 of Arms Act, 1959 registered at Police Station Goindwal Sahib, District Tarn Taran.

FIR No. 133, dated 27.08.2018 under Sections 302, 148, 149, 427 (307, 201, 380 added later on) of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 was registered at Police Station Goindwal Sahib, District Tarn Taran. A cross DDR No.15, dated 30.08.2018 under Sections 302, 307, 427, 148 and 149 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 was reported.

The FIR was lodged on 27.08.2018 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 Ravinder Iqbal Singh. 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

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 not named in the FIR. His name surfaced only in the disclosure statement of Gursewak Singh. She submits that no specific role or injury is attributed to the petitioner. It is contended that Amritpal Singh and Jagroop Singh who were specifically named in the DDR have been granted interim bail vide order dated 19th September, 2019. Further, she relies upon order of this Court dated 20.09.2019 whereby Jaspreet Singh was granted interim bail.

Learned State counsel opposes the prayer stating that there was cross firing between the parties which resulted in the death of four people including a passerby.

Learned counsel for the complainant vehemently opposes the grant of bail and submits that the petitioner was nominated on the basis of disclosure statement of Gursewak Singh.

The petitioner is not named in the FIR, no role or injury is attributed to him and no recovery is to be made. It is not disputed that co-accused were granted bail. Challan has been presented but conclusion of trial is likely to take time. No useful purpose would be served by getting the petitioner behind bars, petitioner is granted bail on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

23rd MARCH, 2021
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>