

213 (3rd case)

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

**CRM-M-4851-2021 (O&M)
Date of decision : 17.08.2022**

Hardam Singh @ Genda

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Joginder Pal Devgan, Advocate for the petitioner(s).

Ms. Kanica Sachdeva, AAG, Punjab.

Mr. Naveen Sharma, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

First petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No.84 dated 13.07.2019, under Sections 307, 302, 120-B, 148 & 149 of the Indian Penal Code, 1860; and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Sadar, Sri Muktsar Sahib.

In this case, prosecution was launched on the statement of one Mangal Singh, who alleged that Lakhwinder Singh, Sarpanch of the village was getting a street passing constructed through the front of their houses under Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), but former Sarpanch of their Village, namely, Palwinder Singh @ Pappu, was objecting to it and he had also been instigating co-villagers to oppose the Sarpanch. On the day of

occurrence, complainant along with his wife Parvinder Kaur and sons of his paternal uncle, namely, Kirandeep Singh, Gurjeet Singh, Minni Rani, Dharminder Singh, Karam Singh and Gurbachan Singh were constructing street in front of their house. At about 10.30 a.m., Palwinder Singh @ Pappu armed with pistol, Duggi Singh armed with .315 bore rifle, Angrej Singh armed with pistol, Jasvir Singh @ Mammu armed with *gandasa*, Guljar Singh armed with *dang*, Hardam Singh @ Goda armed with *dang*, Gabbar Singh armed with *dang*, Ishwar Singh armed with pistol, Sandeep Singh @ Seepa and Prabhjot Brar reached the spot on instigation of Ranjeet Singh, who upon arrival started abusing all of them and questioned them at whose instance they were constructing the street and asked them to stop the work immediately. Thereafter, Duggi Singh, with an intention to kill, fired upon Kirandeep Singh while other accused armed with *dangs* and sticks chased and started beating them. When complainant party opposed them, they also fired directly towards Surjit Singh with an intention to kill him. When they started running, then Dharminder Singh and his wife Minni Rani were also fired upon by them. During this incident, Sandeep Singh @ Seepa who had come along with Palwinder Singh, former Sarpanch, received firearm injury. They all raised alarm and started taking care of Minni Rani, Dharminder Singh and Kirandeep Singh. The accused after raising *lalkara* and passing castiest remarks left the spot with their respective weapons. Injured were shifted to the Civil Hospital, Sri Muktsar Sahib, whereupon complainant came to know that Minni Rani and Kirandeep Singh had

succumbed to the injuries, whereas, Gurjeet Singh, was referred to the Medical College, Faridkot, on account of serious injuries.

This Court, on 22.11.2021, granted interim bail to the petitioner and relevant portion of the same reads as under: -

“Petitioner is stated to be 70 years old and co-accused with similar allegations has already been granted the concession of bail by the Coordinate Bench in CRM-M No.9354 of 2021.

Learned State counsel seeks time to verify the above factual position.

Posted on 17.12.2021.

Till the next date of hearing, let petitioner be released on interim bail in the present case on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

Learned counsel, on instructions from petitioner, submits that he has been falsely implicated in the present case. Further contends that petitioner did not misuse the concession of interim bail granted by this Court on 22.11.2021 and he is regularly appearing before learned trial Court. Also contended that there would be no apprehension of influencing the witnesses or tampering with the evidence, in case, petitioner is granted bail on regular basis. Further contends that petitioner is not involved in any other criminal case.

Learned State counsel, instead of disputing the above factual position, acknowledged that petitioner is regularly appearing before learned trial Court and he has not misused the concession of interim bail.

In view of the above, this Court is of the opinion that sending the petitioner in custody at this stage would not serve any purpose.

Consequently, the present petition is allowed and interim bail granted vide order dated 22.11.2021, is made absolute. Petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

The above observations may not be construed as an expression of opinion on the merits of the case.

It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

17.08.2022

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(MAHABIR SINGH SINDHU)

JUDGE

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