

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

CRM-M No. 6009 of 2022

Date of Decision: 22.07.2022

HARPREET SINGH @ HAPPY

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Rajat Dogra, Advocate,
for the petitioner.

Mr.C.L.Pawar, Sr.DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail in his second attempt under Section 439 Cr.P.C in case bearing FIR No.165 dated 21.11.2019, registered under Sections 302, 307, 506, 341, 34 IPC and Section 25 of the Arms Act at Police Station Dialpura District Bathinda.

Earlier CRM-M No.19985 of 2020 was got dismissed as withdrawn on 10.08.2020.

As per prosecution case, complainant Happy Singh and his brother Gurpreet Singh @ Midda were going on Bhai Behlo road on motorcycle. When they reached near the bridge of drain, they were intercepted by Avtar Singh @ Taar, Manpreet Singh @ Mani and the petitioner near the electricity shop of the

petitioner. All the aforesaid three persons stopped the complainant and his brother and, thereafter, started beating Gurpreet Singh @ Midda. The complainant and his brother Gurpreet Singh @ Midda entered the shop of the petitioner. Avtar Singh @ Taar followed them. He brought out pistol from his waist and fired upon Gurpreet Singh @ Midda with an intention to kill him. The bullet hit on the neck of Gurpreet Singh @ Midda and he fell down. The complainant fled away from the shop by raising alarm. Avtar Singh @ Taar also fled away from there towards drain by firing shots. Petitioner also fled away from his shop by passing through the houses. On hearing alarm, people followed the assailants and also pelted stones. The complainant brought the injured to the Bhagta hospital from where, he was referred to hospital at Bathinda and then to Adesh Hospital, Bhuchio Mandi. Gurpreet Singh @ Midda ultimately died on 03.07.2020.

Learned counsel for the petitioner submits that no overt act has been attributed to the petitioner except to allege that he is owner of the shop in question, where the complainant along with his brother and main accused Avtar Singh @ Taar made entry. Fire arm injury on the person of the deceased has been attributed to Avtar Singh @ Taar, who is in custody. Only presence of the petitioner is shown along with co-

accused Manpreet Singh @ Mani, who has been granted regular bail by this Court vide order dated 01.12.2021 passed in CRM-M No. 13409 of 2021. No recovery has been effected from the petitioner. The factum of recovery of motorcycle of the deceased from the spot would remain debatable. Challan has been presented. Charges have been framed. Out of 15 prosecution witnesses, one prosecution witness has been examined so far.

Per contra, learned State counsel has opposed the bail and on instructions from ASI Surinder Pal Singh, submits that 02.08.2022 is the date fixed before the trial Court. Learned State counsel further submits that the petitioner is also involved in one more case.

Learned counsel for the petitioner by pleading the nomenclature of the said case intends to argue the issue of mala fide as the said FIR No.164 dated 21.11.2019 has been registered on the day on which the present FIR came to be registered in the same police station.

In view of the aforesaid facts, case of the petitioner can be treated at par with that of co-accused Manpreet Singh @ Mani, who has been granted regular bail by this Court vide order dated 01.12.2021 passed in CRM-M No. 13409 of 2021.

At this stage, without meaning anything on the merits

of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, this petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

July 22, 2022
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No