

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-9574-2022

Date of Decision:-02.05.2022

Gurjant Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sandeep Arora, Advocate for the Petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition is for the grant of regular bail under Section 439 Cr.PC in case FIR No.14 dated 20.01.2022 under Sections 307, 427, 506, 148, 149 IPC and Sections 25 & 27 of Arms Act registered at Police Station Nakodar Sadar, District Jalandhar(Rural).

The brief facts of the case are that the complainant Gurpreet Singh @ Gopi stated that he along with his elder brother Sarabjit Singh @ Sodhi after a meeting in connection with assembly elections at the house of Robin Singh were going to their house, then in the street, Gurpreet Singh @ Gora, Vishal, Akash and Lovepreet Singh armed with a pistol along with one unknown person also having a pistol started abusing them and raising *lalkara*. When he and Varinder asked the reason for the misbehavior on the part of the said persons, then Gurpreet Singh @ Gora picked up a brick and threw it towards Swift Car bearing registration number PB-10-CB-3339

owned by Varinder Singh. As a result of which rear glass was damaged. Then the unknown person took out his pistol and fired two shots towards them. But they got saved. In the meantime, on hearing his cries his brother Sarabjit Singh came towards them when Lovepreet Singh @ Lamba took out his pistol with an intention to kill Sarabjit Singh @ Sodhi and the shot struck the nose of Sarabjit Singh and he started bleeding profusely and fell on the ground.

During the course of investigation Akash, another co-accused made a supplementary disclosure statement in which he stated that one Arvinder Singh @ Rohit son of Gurjant Singh and Lovepreet collected at the Salon of Balwinder Singh where Balwinder Singh suggested that Sarabjit Singh should be taught a lesson for having levelled allegations of misappropriating the money. As per the disclosure statement, Arvinder Singh asked his brother Balwinder Singh to first consult their father-Gurjant Singh whether after the occurrence he would save them. Balwinder Singh is then stated to have spoken to his father-Gurjant Singh (present petitioner) who asked them to fire a shot in such a manner that nobody is killed.

The Counsel for the petitioner has stated that the petitioner is not named in the FIR and no overt act or role has been attributed to him. He has been named in the disclosure statement of Akash and the disclosure statement made to the police is inadmissible in evidence. Even otherwise the story set up in the disclosure statement as to what the petitioner is said to have said to his son regarding the carrying out of the occurrence is unbelievable. He contends that the petitioner is infact carrying on the business of Fast Food at Ludhiana under the name and style of “Brand Malli Fast Food” and at the time of incident, the petitioner was not present at the

place of occurrence. Reference has been made to the CCTV footage in this regard (Annexure P-2). He lastly contends that the petitioner is in custody since 23.01.2022, the challan stands presented and as many as 16 prosecution witnesses are yet to be examined. Therefore, the further incarceration of the petitioner is not required.

The Counsel for the State on the other hand contends that the entire occurrence took place in conspiracy with the present petitioner. The plea of *alibi* would be adjudicated at the time of the trial and it cannot be said that the CCTV footage relied upon by the petitioner is authentic.

I have heard counsel for both the parties at length.

Admittedly the petitioner is not named in the FIR. He is only named in the disclosure/confessional statement of Akash, made in police custody. However, even as per that statement the petitioner is not stated to be the assailant. The petitioner is in custody since 23.01.2022 and the investigation is complete. As many as 16 prosecution witnesses are yet to be examined and the trial is not likely to be concluded in near future.

Thus without commenting on the merits of the case, keeping in view the aforesaid facts, the petitioner-**Gurjant Singh** son of Sh. Tirath Singh @ Tirath Ram is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 02, 2022
Vinay

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