

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

216/2

CRM-M-9976 of 2022 (O&M)

Date of Decision: 31.10.2022

Satinderpal Singh

....Petitioner

Versus

State of Punjab

.....Respondent

2)

CRM-M- 8407 of 2022 (O&M)

Kuldeep Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Navjot Singh, Advocate,
for the petitioner in CRM-M-9976 of 2022.

Mr. Navkiran Singh, Advocate,
for the petitioner in CRM-M-8407 of 2022.

Mr. Amit Rana, Senior DAG, Punjab

Mr. Rajesh Narang, Advocate,
for the complainant (in both the cases).

JASGURPREET SINGH PURI, J. (Oral)

Both the cases are taken up together for final disposal with the consent
of learned counsel for the parties since both the petitions arise out from the same

FIR and the prayer made in both these cases is for the grant of regular bail.

Mr. Navkiran Singh, Advocate appearing on behalf of the petitioner (in CRM-M-8407 of 2022) and Mr. Navjot Singh, Advocate appearing on behalf of the petitioner (in CRM-M-9976 of 2022) have submitted that both the petitioners are in custody from 01.04.2021, which is almost 1½ years. It has been submitted that it is a case where the police has already completed the investigation and thereafter the trial has commenced. Two out of the 25 cited witnesses have already been examined and the complainant has also been examined in the present case. Both the learned counsel submitted that a perusal of the FIR and also the prosecution story would show that the complainant and the deceased were standing in front of a shop and the present petitioners came out of a house and picked up a scuffle with the complainant and the deceased. After the scuffle took place, three more co-accused namely Manjot Singh, Harbhajan Singh and Harwinder Singh came out from the house and thereafter they opened fire upon the deceased and unfortunately he died. Learned counsels further submitted that even when the complainant stepped into the witness box as PW1, he stated that so far as the petitioner Kuldeep Singh is concerned, he caused injuries on the left elbow of the complainant but there was no injury caused on the deceased person by any blunt weapon and his death was caused by way of fire arm injury regarding which the role even as per the prosecution was attributable to the other two co-accused and not to the petitioner Kuldeep Singh. They further submitted that there are material discrepancies in the narration given in the FIR by the complainant and while he was deposing before the Court as in the FIR there was nothing recorded by him that an injury was caused by any blunt weapon or baseball bat etc. Learned

counsels further submitted that both the petitioners have clean antecedents and are not habitual offenders and are not involved in any other case and no recovery is to be effected from the petitioners. They have, therefore, prayed for grant of regular bail.

On the other hand, Mr. Amit Rana, learned Senior DAG, Punjab has stated that so far as the custody of the petitioners is concerned, the same is correct. The police has completed the investigation process. He submitted that two prosecution witnesses including the complainant have already been examined. He has further submitted that it is also correct that the petitioners are not habitual offenders and as per the prosecution, the petitioners initially had a scuffle with the deceased and the complainant and thereafter, three co-accused came out from the house and opened fire. The learned State counsel has however opposed the grant of regular bail to the petitioners on the ground that the matter is serious in nature on the basis of gravity of offence wherein one person has been killed.

Mr. Rajesh Narang, learned counsel appearing on behalf of the complainant (in both the cases) also stated that considering the gravity of the offence wherein one person has been killed and also the fact that all the material witnesses have not been examined, therefore, the both the petitioners are not entitled for the grant of regular bail.

I have heard the learned counsel for the parties.

It is a case where both the petitioners have faced incarceration for about 1½ years. The investigation in the present case has already been completed and two witnesses including the complainant and one other eye witnesses have already been examined. As per the prosecution itself, the present two petitioners had come out of the house and had a scuffle with the deceased and the complainant

and it was at later point of time that the other three co-accused namely Manjot Singh, Harbhajan Singh and Harwinder Singh came out from the house and opened fire which caused unfortunate death of the deceased. Both the petitioners are stated to be not involved in any other case and are not habitual offenders. Furthermore, it is not the case of the State that in case the petitioners are released on bail, then they may abscond from justice or influence any witness or tamper with any evidence.

In view of the aforesaid facts and circumstances of both the cases, this Court is of the considered view that both the petitioners are entitled for the grant of regular bail. Consequently, both the petitions are allowed. The petitioners shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the cases and is only meant for the purpose of decision of both the petitions.

(JASGURPREET SINGH PURI)
JUDGE

October 31, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No