

229

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

CRM-M No.13105 of 2022 (O&M)

Date of decision: 19.07.2022

Paramjit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.P.S. Ghuman, Advocate
and Mr. P.S. Maan, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. G.S. Salana, Advocate
and Mr. F.S. Virk, Advocate for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.193 dated 15.11.2021, for offence punishable under Sections 307, 323, 341, 506, 336, 148, 149 of the Indian Penal Code, 1860 (in short 'IPC') and 25 of the Arms Act, registered at Police Station Julkan, District Patiala.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of Gurjinder Singh, it is stated that on 14.11.2021, Nepal Singh, Jassa Singh, Baj Singh, the petitioner – Paramjit Singh, Kashmir Singh, Harchand Singh, Babli @ Jasmer, Sham Singh, Geja Singh @ Amrik Singh, had gone to his fields when he saw that Nepal Singh was driving a tractor and some of the accused were sitting on the tractor and on seeing the complainant,

Paramjit Singh raised a lalkara to teach him a lesson for occupying the Shamlat land.

Counsel for the petitioner has further submitted that except the allegations of raising a lalkara, there is no other allegation that he had caused any injury by using the fire-arm. It is further submitted that in fact, the father of the petitioner namely Harbans Singh, on an earlier occasion filed a suit praying for a decree of permanent injunction regarding the Shamlat land, which was decreed in his favour on 03.07.2015 and when the complainant Gurjinder Singh and his companions tried to take possession of the land and caused injuries to the petitioner and others, he got FIR No.103 dated 06.08.2017 registered in Police Station Julkan against the present complainant Gurjinder Singh and others and the said proceedings are pending and on account of the said fact, the petitioner has been implicated in this case.

Counsel for the petitioner has also submitted that though, as per the allegations in the FIR, the tractor was driven by Nepal Singh and later on, when the petitioner raised a lalkara, he handed over his gun to Nepal Singh and Nepal Singh had fired gun-shot towards the complainant side. It is also argued that on an enquiry, Nepal Singh has been found innocent and therefore, the allegations against the petitioner are also not substantiated.

Counsel for the petitioner has further contended that the petitioner is in custody for the last about 08 months and one of the co-accused Sham Singh, has already been granted the concession of bail vide order dated 07.03.2022 passed in CRM-M No.1069 of 2022.

Counsel for the State, assisted by counsel for the complainant has, however, submitted that there were 04 persons, who were injured from the complainant side and some of the accused are yet to be arrested.

However, on a Court query, it could not be disputed by counsel for the State, on instructions from SI Balbir Kaur, that Nepal Singh has been found innocent. It is also not disputed that the custody of the petitioner is about 08 months.

Counsel for the complainant has additionally argued that the petitioner and others by using the force are trying to take forcible possession of the Shamlat land and opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 08 months; the co-accused of the petitioner is already released on bail; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

19.07.2022

yakub

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No