

CRM-3945-2022 in/and
CRM-M-22988-2021
Date of decision: 17.02.2022

SUKHCHAIN SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Sant Pal Sidhu, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Ranvant Singh Sangha, Advocate
for respondent No.2/complainant.

VIVEK PURI, J. (ORAL)**CRM-3945-2022**

The applicant seeks to place on record the chart depicting the individual role of the accused and the copies of the bail orders pertaining to the co-accused (Annexure P-7 to P-12).

CRM application is disposed of and the chart depicting individual role of the accused and Annexures P-7 to P-12 are taken on record.

Registry to tag the same at the appropriate stage.

Main case

Custody certificate has been placed on record.

The petitioner has prayed for grant of regular bail in case bearing FIR No. 65 dated 20.07.2017 under Sections 302/307/324/120-B/148/149 IPC, 1860 and Sections 25/27/ of Arms Act, 1959 registered at Police Station Khalra,

District Tarn Taran.

Briefly, as per the allegations put-forth in the aforesaid FIR, on 20.07.2017 at about 1.00 PM, petitioner along with his brother-in-law Lakha Singh and his nephews came on two tractors, one car and a scooter and started cultivating the passage with the tractors. Karaj Singh complainant along with Sukhbir Singh, Harpreet Singh and Nishan Singh went towards them for inquiring about the same. Jasbir Kaur and Manjinder Kaur also followed them. Sukhraj Singh was armed with 12 bore double barrel gun, petitioner was armed with 12 bore single barrel gun, Sarabjit Singh was armed with pistol, Lakha Singh was armed with 315 bore rifle, Daljit Singh was armed with Datar, Ranjit Singh was armed with Kirpan, Harman Singh was armed with Datar, nephews of the petitioner were armed with country made pistols and other unidentified persons were also present at the spot. Nirvail Singh raised lalkara to catch hold of these persons and teach them a lesson. Sukhraj Singh fired a shot from his gun which hit Sukhbir Singh on his stomach. Petitioner fired shot from his gun which hit Nishan Singh on the lower side of his abdomen. Daljit Singh gave a Datar blow on the head of Harpreet Singh. Ranjit Singh gave kirpan blow on the head of Harpreet Singh. Thereafter, shots were fired due to which Pargat Singh sustained injuries. An alarm was raised and on seeing the people coming on the spot, the accused persons fled away from the spot.

I have heard the learned counsel for the parties and perused the record.

It has been contended by the learned counsel for the petitioner that the petitioner is in custody for a period of more than four and a half years, is not involved in any other case, he has been attributed fire arm injury on the person of Nishan Singh who has been discharged from hospital long time back and is hale and hearty. Furthermore, all the co-accused except the petitioner and Sukhraj

Singh who has been attributed with fatal injury on the person of the deceased are on bail. No witness has been examined till date after the summoning of the co-accused under Section 319 Cr.P.C.

Moreover, on instructions from ASI Salwinder Singh, learned State counsel has also pointed out that out of 49 witnesses, none has been examined till date and the fatal injury has not been attributed to the petitioner. However, she has opposed the bail application on the score that the petitioner was armed with single barrel gun, fired upon one of the injured, namely, Nishan Singh and has played active role in the commission of crime. Furthermore, the injuries have been caused by means of firearm and sharp-edged weapons on the person Sukhbir Singh, Nishan Singh, Harpreet Singh and Pargat Singh. Subsequently, Sukhbir Singh and Pargat Singh succumbed to the injuries.

It has not been disputed that the petitioner is in custody for a period of 04 years, 06 months and 23 days and is not involved in any other case. All the accused except the petitioner and Sukhraj Singh who has been attributed with fatal injury have been released on bail. Although, it is a case of double murder but the petitioner has not been attributed any injury on the person of the deceased. He has been attributed injury on the person of Nishan Singh who has been discharged from hospital since long and is hale and hearty.

Even out of 49 witnesses, none has been examined after the summoning of the co-accused under Section 319 Cr.P.C.

Keeping in view the entire circumstances emerging on record and period of incarceration undergone by the petitioner, sufficient mitigating circumstances are made out to extend the concession of the bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his

furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty
Magistrate concerned.

The petition is allowed accordingly.

17.02.2022
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(VIVEK PURI)
JUDGE

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