

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**Sr. No.107+204**

**CRM-M-33019-2021**

**Date of decision: 11.02.2022**

Parminder Singh

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr. Navjot Singh, Advocate  
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. Rajesh Narang, Advocate  
for the complainant.

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**DEEPAK SIBAL, J. (Oral)**

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.23 dated 01.04.2021 registered under Sections 302, 323, 148, 149 IPC and Sections 25/27 of the Arms Act, 1959 at Police Station Bholath, District Kapurthala.

On 01.04.2021 Sukhpal Singh (hereinafter referred to as the complainant) filed a complaint with the police as per which when he, Randeep Singh (hereinafter referred to as the deceased) and other residents of the village were standing in front of Manna's Karyana shop, Shinda and Kuldeep Singh came out of Manjot Singh's house and questioned the complainant and the deceased as to why were they standing there; Shinda and Kuldeep Singh then abused the complainant and the deceased leading to a scuffle between both sides; in the meanwhile, Manjot Singh, Harbhajan Singh and Sabbi came out of Manjot Singh's house and exhorted to kill the deceased; Manjot Singh and Harbhajan Singh then fired in the air as also on the deceased with their respective revolvers; the complainant was then attacked by Manjot Singh and he fell down; while he lay on the floor the complainant was given beatings with a baseball bat; when the complainant shouted for help all the aforesaid accused fled from the scene; the

deceased was taken to the hospital where he was declared to have been brought dead and the reason behind the shooting of the deceased was that Manjot Singh's grandfather Joginder Singh had been Sarpanch for 25 years but in the recent elections the deceased's wife had defeated him.

On 03.04.2021, the complainant got recorded a supplementary statement as per which the petitioner, who is Manjot Singh's father and Harbhajan Singh's brother, was also said to be present at the spot when the deceased was murdered with a further allegation that it was the petitioner who had exhorted his co-accused to murder the deceased. On such basis the petitioner was also nominated as an accused.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case only for the reason that he is related to the main accused Manjot Singh and Harbhajan Singh; the false implication of the petitioner is clear from the fact that on 01.04.2021 when the complainant had got lodged the FIR in question he had not named the petitioner; after two days of unexplained delay, the petitioner was also roped in as one of the accused for the aforesaid reason; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, only *lalkara* is attributed to the petitioner; the petitioner is in custody since 04.04.2021; the petitioner is not involved in any other criminal case; the alleged eye-witness and the complainant have already been examined before the Trial Court and that since 23 witnesses cited by the prosecution still remain to be examined in the petitioner's trial, it will take a long time to conclude.

Learned State counsel as also learned counsel for the complainant oppose the grant of bail to the petitioner on the ground that he is accused of being part of the unlawful assembly which caused Randeep Singh's murder and that if he is released on bail he can influence witnesses who are still to be produced before the Trial Court as also because the petitioner's brother Harbhajan Singh was still absconding.

In the initial statement made by the complainant, the petitioner was not named but after two days the complainant attributes a *lalkara* to him. Thus, the petitioner's presence at the spot is debatable especially when the petitioner is closely related to both the main accused. Further, the petitioner is in custody since 04.04.2021; the complainant and the alleged

eye-witness already stand examined before the Trial Court; only *lalkara* is attributed to the petitioner; the petitioner is not involved in any other criminal case and that since 23 witnesses cited by the prosecution still remain to be examined in the petitioner's trial, the same is likely to take a long time to conclude.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Kapurthala, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

**February 11, 2022**  
*Jyoti 1*

**(DEEPAK SIBAL)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No