

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**CRM-M- 30905 of 2022
Date of Decision:22.07.2022**

Parveesh

---Petitioner

versus

State of Punjab

---Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Parminder Singh-I, Advocate
for the petitioner

Ms. Amarjit Kaur Khurana, DAG, Punjab

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 by the petitioner for grant of regular bail in case bearing FIR No. 75 dated 08.11.2021 registered under Sections 302, 307, 364, 323, 324, 325, 326, 379-B, 148 and 149 of the Indian Penal Code, 1860 at Police Station Baliwanwali, District Bathinda.

2. Briefly the case of the prosecution is that on 08.11.2021 at about 3: 30 p.m. the accused persons along with 15-20 unknown person armed with Gandasas and Kirpans entered the fields of complainant and also encircled the complainant party. The assailants gave beatings to Gurdev Singh and his associates Gursewak Singh, Satnam Singh and Krishan Singh and took them to a house constructed in the fields and inflicted injuries on them. The complainant raised hue and cry and after this the accused persons ran away from the spot along with their respective weapons. The injured persons were got admitted to the hospital. During treatment Gurdev Singh

died. Postmortem report of Gurdev Singh shows that there were 15 injuries with bleeding present from mouth and nose. MLR of Satnam Singh shows five injuries on his person having been inflicted with blunt and pointed weapons and that of Krishan Singh revealed that he suffered five injuries.

3. Learned Counsel for the petitioner contends that the petitioner was initially not arraigned as an accused in the present case which owes its origin to a landed property that was purchased by the complainant from Sadhu Singh and such sale was being objected to by the nephew of Sadhu Singh. He contends that the name of the petitioner as co-accused was nominated by the General Diary No. 16 dated 18.11.2021 during the course of interrogation when the statement of co accused Manpreet Singh was recorded. The relevant transpire extract of the said General Diary is reproduced as under:-

“.....During the course of investigation, above accused Manpreet Singh son of Badal Singh, resident of Bhunder, admitted in his interrogation that Gurpal Singh alias Jassi Aulakh, son of Parminder Singh, resident of Jassi Paowali, Parvish Singh son of Sahib Singh, resident of Power House Road, opposite St. Xavier School Bathinda, Saurabh Kumar son of Rajesh Kumar, resident of Power House Road, Government Quarter Bathinda, were called at the spot on telephone and after fight Gurpal Singh etc. had snatched the gun of deceased Gurdev Singh. Due to this Gurpal Singh alias Jassi Aulakh, son of Parminder Singh, resident of Jassi Paowali, Parvish Singh son of Sahib Singh, resident of Power House Road, opposite St. Xavier School Bathinda, Saurabh Kumar son of Rajesh Kumar, resident of Power House Road, Government Quarter are nominated as an accused in this case and offence under Section 379-B of the IPC is added in this case.”

4. Learned counsel for the petitioner further submits that even as per the said General Diary, the petitioner is alleged to have come to the spot after the fight had already taken place and is alleged to have snatched the gun of deceased Gurdev Singh. He contends that no gun however has been recovered from the petitioner. He further submits that it is thus not the case of the prosecution that the petitioner had in any manner participated in the offence of committing murder of deceased Gurdev Singh. He submits that the petitioner has been in custody since 25.11.2021 and has already undergone an actual custody of 07 months and 27 days in the above case and that he suffers from no criminal antecedents. He further submits that his case is at par with co-accused Sourabh Singh who has been granted the concession of bail vide order dated 13.07.2022 in CRM-M- 26283 of 2022.

5. Ms. Amarjit Kaur Khurana, DAG, Punjab appearing on behalf of respondent-State however points out that the fact that the petitioner had come to the spot shows that he had participated in the commission of the offence and that he had also taken away the gun of deceased Gurdev Singh in order to aid the accused persons. She however could not dispute the fact that the petitioner is called at the spot after the incident in question had already occurred. She also does not dispute the fact that the petitioner does not suffer from any criminal antecedents. Only the final report has been submitted in the instant case and the charges have not been framed so far. Thus, conclusion of the trial is likely to take long time. She does not dispute that the case of the petitioner is at par with the other co-accused.

6. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

7. Without examining the merits of the instant case and taking

into consideration the allegations noticed above, the age of petitioner being 22 years and the absence of any attribution to the petitioner in causing injury to the deceased and also the period of custody along with the stage of trial as well considering the principle of parity. I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

8. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

9. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

10. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

22.07.2022

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No