

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

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**Date of decision: 31.08.2022
CRM-M-36172-2022 (O&M)**

GURPAL SINGH ALIAS JASSI AULAKH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)
CRM-M-36772-2022 (O&M)

RANJIT SINGH ALIAS SAPP

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present : Mr. Parminder Singh, Advocate
for the petitioner in CRM-M-36172-2022.

Mr. Karanjeet Singh Brar, Advocate
for the petitioner in CRM-M-36772-2022.

Mr. Tarun Aggarwal, Sr.DAG Punjab.

Mr. Nirmaljeet Singh Sidhu, Advocate
for the complainant.

VIKAS BAHL. J. (ORAL)

This common order shall dispose of the above-mentioned two criminal miscellaneous petitions. CRM-M-36172-2022 has been filed by Gurpal Singh alias Jassi Aulakh and CRM-M-36772-2022 has been filed by Ranjit Singh alias Sapp.

The two present petitions have been filed under Section 439 CrPC for grant of regular bail to the petitioners in case FIR No.75 dated 08.11.2021 under Sections 302, 307, 364, 323, 324, 325, 326, 379-B, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Balianwali, District Bathinda.

Learned counsel for both the petitioners have submitted that petitioner Gurpal Singh is in custody since 21.11.2021 and petitioner Ranjit Singh is in custody since 23.11.2021. Investigation in the case is complete and challan has been presented. There are 32 witnesses and none of them have been examined and thus the trial is likely to take time. It is further submitted that neither of the petitioners is involved in any other case. It is stated that none of the two petitioners was named in the FIR and as many as 12 persons had been specifically named therein. It is further submitted that the petitioner Gurpal Singh has been made accused on 18.11.2021, after a delay of the 10 days from the date of registration of the FIR, and the same has been done on the statement of co-accused Manpreet Singh, who in his statement had stated that the present petitioner along with other persons including Sourabh and Parveesh was called at the spot on telephone and after the fight had happened, the said persons had snatched the gun of the deceased Gurdev Singh and thus, accordingly Section 379-B IPC was also added. It is submitted that the petitioner Ranjit Singh was not named in the FIR and was introduced as an accused on 21.11.2021 on the disclosure statement of Gurpal Singh and even as per the said disclosure statement, no specific overt act had been attributed to Ranjit Singh. It is submitted that Sourabh and Parveesh, to whom the role attributed is similar as that of Gurpal Singh have already been granted the concession of regular bail by the co-ordinate Bench vide orders 13.07.2022 and 22.07.2022 passed in CRM-M-26283-2022 and CRM-M-30905-2022 respectively. It is submitted that no recovery of rifle has been effected from the petitioner Gurpal Singh and both the petitioners have not caused any injury to any person.

Learned State counsel and learned counsel for the complainant on the

other hand have opposed the present petition for regular bail and have submitted that as per the case of the prosecution, both the petitioners had gone to the spot after the fight and the same shows that they had also participated in the commission of the offence due to which one person has died and 03 persons have been injured. It is submitted that *kirpan* has been recovered from Gurpal Singh and a *gandasi* has been recovered Ranjit Singh. The other aspects however, have not been disputed.

This Court has heard learned counsel for the parties and have perused the material on record.

Petitioner Gurpal Singh is in custody since 21.11.2021 and the petitioner Ranjit Singh is in custody since 23.11.2021. There are 32 witnesses and none of the witnesses have been examined thus, the trial is likely to take time. The petitioners are stated to be not involved in any other case. The petitioners were not named in the FIR, although there are 12 accused persons who had been specifically named in the FIR.

Petitioner Gurpal Singh was nominated as an accused on 18.11.2021, after a delay of 10 days from the date of registration of the FIR and the same had been done on the statement of co-accused Manpreet Singh, who, in his statement had stated that the present petitioner, along with the other persons including Sourabh Singh and Parveesh was called at the spot on telephone and they had arrived after the fight and the said persons had snatched the gun of the deceased Gurdev Singh. It is further submitted that Sourabh Singh and Parveesh have been granted the concession of regular bail by the co-ordinate Bench of this Court vide orders 13.07.2022 and 22.07.2022 passed in CRM-M-26283-2022 and CRM-M-30905-2022 (Annexures P-4 and P-5, respectively). The case of Gurpal Singh is

on similar footing as that of the said Sourabh Singh and Parveesh. No recovery of rifle, which was allegedly snatched, has been effected from him.

Petitioner Ranjit singh was introduced as an accused on 21.11.2021 i.e., after a delay of 13 days from the registration of the FIR on the basis of the disclosure statement of co-accused Gural Singh (petitioner in CRM-M-36172-2022) and as per the said statement, no specific injury/role has been attributed to said Ranjit Singh.

Both the petitioners have not been attributed any specific injury suffered by the deceased or any of the injured persons.

Keeping in view the facts and circumstances as noticed above, the present two petitions are allowed and the petitioners are directed to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, subject to them not being required in any other case.

However, it is made clear that in case, any act is done by the petitioners to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioners.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petitions.

(VIKAS BAHL)
JUDGE

August 31, 2022

S.Sharma(syr)

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