

**CRM-M-43780 of 2020 and
CRM-M-47127 of 2021**

-1-

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

222

**CRM-M-43780 of 2020
Date of Decision:23.11.2022**

Gurmilap Singh

....Petitioner

Versus

State of Punjab

.....Respondent

2)

CRM-M-47127 of 2021

Gurnam Singh

....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.S. Behl, Advocate,
for the petitioner (s) (in both cases).

Mr. Amit Rana, Senior Deputy Advocate General, Punjab

Mr. Veneet Sharma, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

Both the cases are taken up together for final disposal with the consent of learned counsel for the parties as both arise out of the same FIR and the prayer in both the cases is for the grant of regular bail in FIR No.0088 dated 06.07.2020, under Sections 302, 307, 506, 148, 149 and 120-B IPC and also Section 25 and 27 of the Arms Act, 1959, registered at Police Station Raja Sansi, District Amritsar

Rural.

It has been submitted by the learned counsel for the petitioner that the petitioner namely Gurmilap Singh (in CRM-M-43780 of 2020) is in custody from 27.07.2020 and the petitioner namely Gurnam Singh (in CRM-M-47127 of 2021) is in custody from 14.07.2020, which is more than 2 years and four months approximately. He submitted that 15 prosecution witnesses out of 30 have been examined and all the material witnesses, including the complainant have already been examined by the learned trial Court. He has further submitted that it is a case of version and cross-version and the dispute in the present case was with regard to 1 kanal of land. He has further submitted that in fact the son of the petitioner Gurnam Singh, namely Manjinder Singh @ Mani had taken his 12 bore licence weapon with him on the basis of information that the possession of the land has been taken by the complainant party and thereafter the complainant party had attacked the petitioner Gurnam and as a consequence of the same, he had fired in the air and thereafter when the fight did not stop then the firing had taken place. He has further submitted that it is yet to be determined at the time of trial as to who was the aggressor party and as to whether the petitioners of the present case have acted in self-defence or not. He has further submitted that both the petitioners have clean antecedents and they are not involved in any other case and therefore considering the long custody of both the petitioners and also the fact that all the material witnesses have already been examined, they may be considered for the grant of regular bail.

On the other hand, Mr. Amit Rana, learned Senior Deputy Advocate General, Punjab has stated that it is correct that the petitioner namely Gurmilap

Singh (in CRM-M-43780 of 2020) is in custody from 27.07.2020 and the petitioner namely Gurnam Singh (in CRM-M-47127 of 2021) is in custody from 14.07.2020 and they are not habitual offenders and they are not involved in any other case. He further submitted that he has instructions to say that 15 prosecution witnesses out of 30 have been examined and all the material witnesses, including the complainant have already been examined in the present case. He has however opposed the grant of regular bail to the petitioners on the ground that the matter is serious in nature whereby one person has been murdered.

Learned counsel appearing on behalf of the complainant has also opposed the grant of regular bail to the petitioners on the ground that it is a case where the petitioners were the aggressor party and they had killed the father of the complainant and he has further submitted that the specific role has been attributable to both the petitioners as per the FIR itself and so far as the petitioner Gurmilap is concerned, the role attributable was inflicting of injuries by way of *Kirpan* on the head of the deceased.

I have heard the learned counsel for the parties.

The petitioner Gurmilap Singh (in CRM-M-43780 of 2020) is in custody from 27.07.2020 and the petitioner namely Gurnam Singh (in CRM-M-47127 of 2021) is in custody from 14.07.2020, which is more than 2 years and four months approximately. As per the learned counsel for the parties, both the petitioners are stated to be not habitual offenders and are not involved in any other case. The dispute appears to be that of a land of 1 kanal between the parties and it is a case of version and cross-version whereby injuries were received by both the parties, although death has occurred on the side of the complainant party. All the

material witnesses have been examined in the present case. It is yet to be determined at the time of trial as to who was the aggressor party and whether any of the parties had acted in self-defence or not. Furthermore, it is not the case of the State that in case the petitioners are released on bail, then they may abscond from justice or they may influence any witness.

Therefore, considering the aforesaid facts and circumstances, and especially the long custody of the petitioners, this Court deems it fit and proper to grant the concession of regular bail to both the petitioners. Consequently, both the petitions are allowed. The petitioners shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expresion of opinion on merits of the case and is only meant for the purpose of decision of present petitions.

(JASGURPREET SINGH PURI)
JUDGE

November 23, 2022
dinesh

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