

224

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

CRM-M-45043-2022

Date of decision : 10.11.2022

Simran Bala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.161 dated 01.06.2022 registered under Sections 302, 307, 148, 149 of Indian Penal Code, 1860 and Sections 25/27 of the Arms Act, 1959 (Section 379-B of IPC has been added later on) at Police Station Cantonment, District Police Commissionerate Amritsar.

Learned counsel for the petitioner has submitted that petitioner is a young girl who has been pursuing the Hotel Management course from Guru Nanak Dev University and has been falsely implicated in the present case although, she has no role to play in the alleged crime. It is further submitted that the petitioner is in custody since 04.06.2022 and investigation is complete and challan has been presented and there are 31

prosecution witnesses, out of which, none have been examined as yet and, thus, the conclusion of trial is likely to take time. It is contended that the petitioner is not involved in any other criminal case. It is argued that as per the prosecution case, FIR was registered on the statement of Lakhwinder Singh who is father of the deceased and was not an eye-witness in the present case, who had stated that his son Lovepreet Singh was friend of Gursimran Singh and the said Gursimran Singh was having friendly relations with the present petitioner and on account of the said fact, the dispute has arisen between Gursimran Singh and Gurjeet Singh @ Gurjant, Manjinder Singh, Guri, Ravinder Singh and another co-accused. It is further contended that it was the said persons who had allegedly attacked Lovepreet Singh and Gursimran Singh and in that process, Lovepreet Singh had died and Gursimran Singh got injured. It is further argued that the eye-witness in the present case is Gursimran Singh and his statement under Section 161 Cr.P.C. has been recorded. Learned counsel for the petitioner has handed over the translated copy of the statement of said Gursimran Singh recorded under Section 161 Cr.P.C. today in the Court and same is taken on record and marked as Mark 'A'. It is further submitted that as per the said statement, it was co-accused Jagjit Jotte who had taken out pistol from his waist and had fired bullets at Lovepreet Singh and at the injured-Gursimran Singh, as a result of which, Lovepreet Singh had died and Gursimran Singh had suffered bullet injury. It is also contended that as per the said statement, the petitioner was not present at the spot and had not participated in the occurrence and the fight had taken place between the said persons on account of their liking for the present petitioner. It is also argued that the

petitioner had neither conspired, nor participated or told other co-accused persons to attack the deceased or the injured.

On the other hand, learned State Counsel has opposed the present petition for grant of regular bail to the petitioner and has submitted that Ravinder Singh had a liking for the present petitioner and the injured- Gursimran Singh also had a liking for the present petitioner and on account of the same, Ravinder Singh alongwith Gurjeet Singh @ Gurjant, Manjinder Singh, Guri and Jagjit Jotte had attacked the deceased and the injured- Gursimran Singh. It is also submitted that Jagjit Jotte had fired from his pistol, on account of which, Lovepreet Singh had died and Gursimran Singh had suffered bullet injury.

This Court has heard learned counsel for the parties and has perused the paper book.

FIR, in the present case, was recorded on the statement of Lakhwinder Singh who is the father of the deceased. The said Lakhwinder Singh is not an eye-witness of the occurrence. As per the prosecution case, it is Gursimran Singh who is injured/eye-witness of the occurrence and as per his statement recorded under Section 161 Cr.P.C. (Mark 'A'), it is Jagjit Jotte who is the person who had taken out the pistol from his waist and had fired the bullets, out of which, two bullets had hit Lovepreet Singh, on account of which, he had died and another bullet had hit Gursimran Singh. Neither the present petitioner was present at the spot nor there is any allegation to the effect that she had entered into any conspiracy to kill any person, or had participated in the occurrence. The petitioner is a young girl of 20 years of age and is pursuing the Hotel Management Course from Guru

Nanak Dev University and has been prima facie implicated in the present case, on account of the fact that Ravinder Singh and Gursimran Singh, both had a liking for her. The petitioner is in custody since 04.06.2022 and investigation is complete and challan has been presented and out of 31 prosecution witnesses, none have been examined as yet and, thus, the conclusion of trial is likely to take time. The petitioner is stated to be not involved in any other criminal case.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, subject to her not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner 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 petitioner.

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 application.

10.11.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No