

**(219) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-45212-2022
Date of Decision: 11.10.2022**

SIMRANJIT SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Parminder Singh Kanwar, Advocate
for the petitioner.

Mr. Jaiteshwar Singh, Asst. A.G., Punjab.

JASJIT SINGH BEDI, J.

This second petition is for the grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.239 dated 16.06.2020 registered under Sections 307, 148, 149 IPC, 1860 and Sections 25, 27 of Arms Act, 1959 (Section 25 of Arms Act, 1959 later on deleted) with Police Station Goindwal Sahib, District Tarn Taran.

2. The present FIR came to be registered on the statement of Jagroop Singh son of Late Jagir Singh who stated that he was an agriculturist. On 15.06.2020 at about 07.00 PM his cousin Satnam Singh and other boys were playing football at a Sports Club where Simranjit Singh (petitioner) came into the ground and on reaching kicked the football. Satnam Singh told him that since he was not a member of the football team, he ought not to have kicked the football. On this, the petitioner had an altercation with Satnam Singh and the entire incident was disclosed to him and his family members by

Satnam Singh. Thereafter, he along with his family members including his brother Lovepreet Singh went to the house of Satnam Singh. Meanwhile, the petitioner called Satnam Singh on the phone and stated that if he had the courage he should come to the fields. Thereafter, at about 08.45 PM three motorcycles came from the side of the house of the petitioner. On one motorcycle the petitioner was riding and Nirmal Singh was sitting as a pillion rider whereas on the second motorcycle Ravisher Singh was riding and Surjit Singh was a pillion rider. On the third motorcycle Daljit Singh was riding and Pal Singh was the pillion rider. On coming close to them (the complainant party) the accused raised a *Lalkara*. Thereafter, the petitioner and Nirmal Singh fired gunshots from their respective pistols towards the complainant party. One gunshot struck the right side of the stomach of Lovepreet Singh, whereas the second gunshot struck below the right arm of Lovepreet Singh. He fell down in an injured condition, whereas the accused persons fled away from the spot.

3. The learned counsel for the petitioner contends that the co-accused of the petitioner namely, Daljit Singh, Ravisher Singh and Surjit Singh have been granted the concession of anticipatory bail by this Court vide orders Annexures P-2 to P-4 respectively. Similarly, Nirmal Singh an identically situated co-accused has also been granted the concession of regular bail by the Trial Court vide order dated 08.11.2021 (Annexure P-6). The petitioner has been in custody since 28.06.2021 and since none of the 32 prosecution witnesses have been examined so far, the petitioner deserves the concession of regular bail. Even otherwise the petitioner has clean

antecedents and the injured stands discharged from the hospital and has not suffered any permanent disability.

4. On the other hand, the learned State counsel contends that in fact as per police investigation the weapon belonged to Nirmal Singh (since granted bail) but the petitioner fired both the shots on the injured Lovepreet Singh. Therefore, the case of the petitioner cannot be equated to that of Nirmal Singh. He however, does not dispute the period of custody undergone by the petitioner as also the stage of trial and the fact that the petitioner is not wanted in any other case.

5. I have heard the learned counsel for both the parties at length.

6. This is the second bail application, the first one having been dismissed as withdrawn. Admittedly, the petitioner has been in custody since 28.06.2021 and none of the 32 prosecution witnesses have been examined so far and therefore, the trial of the present case is not likely to be concluded in the near future. Nirmal Singh a somewhat similarly situated co-accused of the petitioner has been granted the concession of regular bail vide order dated 08.11.2021 (Annexure P-6). The petitioner is a first-time offender and no other FIR has been registered against him. He is also a young boy of the age of 26 years. Therefore, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Simranjit Singh son of Gurdev Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

11.10.2022

JITESH

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