

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-53118-2022 (O & M)****Date of decision: 23.11.2022**

Jagdev Singh @ Pal

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Chandan Singh Rana, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in cross case/DDR No.28 dated 24.10.2020 under Sections 307, 341, 148, 149 IPC and Section 302 IPC (added later on) registered at Police Station Sadar Ludhiana arising out of FIR No.139 dated 24.10.2020 under Sections 307, 341, 148, 149 IPC and Sections 25/54/59 IPC registered at Police Station Sadar Ludhiana.

2. The brief facts of the case are that initially an FIR No.139 dated 24.10.2020 under Sections 307, 341, 148 and 149 IPC and Sections 25/54/59 of the Arms Act at Police Station Sadar Ludhiana (Annexure P-2) came to be registered at the instance of Manpreet Singh son of Tirath Singh (since granted bail vide order dated 13.09.2022 passed in CRM-M-5548-2022), who stated that on 23.10.2020 at about 8.15 p.m., he alongwith his friend Sukhpal Singh were at the juice shop Hanuman Mandir, Village Rangian,

Ludhiana. Then Ravi resident of Dehlon, Mintu son of Baldev Singh

resident of Village Majri, Ludhiana, who were already present at the said shop in drunken position started using abusive language towards them. They left the shop to avoid any altercation. The aforementioned persons started following their auto on their motorcycles. At about 8.40 p.m., the brother of Mintu, namely, Laddi @ Gursharan and one another unknown young boy were present near Pehalwan Dhaba, near Majri, who had come there on their motorcycle. They all encircled their auto (complainant-party) and in the meantime, the brother of Mintu, namely, Laddi @ Gursharan fired a shot upon the complainant (Manpreet) which struck his left shoulder. On raising a noise, these accused persons ran away from the spot. The motive was said to be an altercation at a Gym at Village Kalakh sometime back.

Pursuant thereto, the present cross-version was got registered at the instance of Gurmeet Singh @ Mintu who stated that there was a quarrel at the juice shop while he was accompanied with Harvinder @ Ravi and Iqbal Singh son of Gurmail Singh, and thereafter, Manpreet had called some people at the spot and he (the complainant-Gurmeet Singh @ Mintu) also called his brother Gursharan Singh @ Laddi alongwith other persons. A fight took place wherein Manpreet Singh gave a baseball bat blow on the head of Harvinder Singh @ Ravi who fell down at the spot. Thereafter, Gursharan Singh @ Laddi fired a shot with his illegal pistol upon Manpreet Singh. Harvinder Singh @ Ravi sustained grievous injuries in the occurrence and died on 25.10.2020.

3. The learned counsel for the petitioner contends that the case is one of version and cross-version. Initially, the FIR had been registered at the instance of Manpreet Singh, who has received gun-shot injuries on his shoulder from the illegal pistol carried by Gursharan Singh @ Laddi. This

fact remains undisputed as the present complainant (Gurmeet Singh @ Mintu) has admitted the fact that Gursharan Singh @ Laddi had fired shot upon Manpreet Singh. He submits that the petitioner is not named in the FIR but has been named in the supplementary statement of the complainant-Gurmeet Singh @ Mintu on 27.10.2020. Apparently, the present complainant party had come to the spot armed with illegal weapons to commit the offence in question. He contends that the Manpreet Singh, who was named in the FIR has been granted the concession of bail vide order dated 13.09.2022 passed by this Court. The petitioner was in custody since 24.03.2022 and none of the 29 prosecution witnesses cited in the list of witnesses have been examined so far. He is not an accused in any other case and as such, has clean antecedents. It is, thus, prayed that the petitioner be granted the concession of regular bail.

4. The learned counsel for the State has admitted the factual narration of the cross-case/DDR. He submits that the deceased-Harvinder Singh @ Ravi received seven injures and the cause of death was 'Craniocerebral damage consequent to blunt trauma to the head'. He also admits that initially the FIR had been registered at the instance of Manpreet Singh wherein he had received one gun-shot injury on his shoulder at the instance of the brother of Gurmeet Singh @ Mintu (complainant in the cross-case), namely, Gursharan Singh @ Laddi. He concedes that Manpreet Singh, the main accused has been granted the concession of regular bail by this Court vide order dated 13.09.2022 passed in CRM-M-5548-2022.

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

6. Admittedly, the initial version of the FIR came from the mouth

Gursharan Singh @ Laddi, brother of Gurmeet Singh @ Mintu (present complainant) had fired at him with an illegal weapon hitting his shoulder. A cross-version came to be registered at the instance of Gurmeet Singh @ Mintu wherein Manpreet Singh is said to have caused the fatal injury on the person of Harvinder Singh @ Ravi. It would be a matter of adjudication during trial as to which side was the aggressor party and whether the accused in the present case were entitled to the benefit of Section 100 IPC or not. The petitioner is not named in the FIR and the co-accused of the petitioner, namely, Manpreet Singh has already been granted the concession of bail vide order dated 13.09.2022 passed by this Court. The petitioner is in custody since 24.03.2022 and none of the 29 prosecutions witnesses cited in the list of witnesses have been examined so far. Therefore, the further incarceration of the petitioner is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Jagdev Singh @ Pal is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. The petitioner shall appear on the first Monday of every month before the local police station till the conclusion of the trial and furnish an affidavit each time that he is not involved in any crime other than the present one

9. If any attempt whatsoever is made by the petitioner and/or his family members/friends to contact/threaten/intimidate any of the witnesses of the present occurrence, the State/complainant shall be at liberty to move an application for cancellation of bail granted vide this order.

10. In addition, the petitioner (through someone else on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- 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.

(JASJIT SINGH BEDI)
JUDGE

November 23, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No