

CRM-M-255-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(210-1)

[CRM-M-18013-2023](#)

Date of decision:-29.09.2023

Kishan Singh

... Petitioner

Versus

State of Punjab

... Respondent

(210-2)

[CRM-M-255-2023](#)

Sukhwinder @ Ghuddu

...Petitioner

Versus

State of Punjab

...Respondent

(210-3)

[CRM-M-25807-2023](#)

Baljit Singh @ Bulli

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. R.P.Dhir, Advocate

for the petitioner(s) in [CRM-M-18013-2023](#)

Mr. Rishu Mahajan, Advocate

for the petitioner in [CRM-M-255-2023](#).

Mr. B.S.Sewak, Advocate

for the petitioner in [CRM-M-25807-2023](#).

Mr. A.P.S.Tung, DAG, Punjab for State-respondent.

SUVIR SEHGAL, J. (ORAL)

1. This order shall dispose of three cases bearing Nos. **CRM-M-18013-2023** titled as “**Kishan Singh Versus State of Punjab**”, **CRM-M-255-2023** titled as “**Sukhwinder @ Ghuddu Versus State of Punjab**” and **CRM-M-25807-2023** titled as “**Baljit Singh @ Bulli Versus State of Punjab**”, as all the three petitioners have been named as accused in the

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same FIR and they have approached this Court by way of separate petitions seeking grant of regular bail under Section 439 of the Code of Criminal Procedure, 1973 in:-

FIR No.	Dated	Police Station	Sections
3	01.01.2021	Jandiala, Amritsar	302, 120-B, 473 and 411, IPC and Sections 25 and 27 of the Arms Act, 1959

2. For the sake of convenience, facts are being taken from CRM-M-255-2023.

3. Version of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Akashdeep Singh alleging that on 01.01.2021, when he was talking to his younger brother, Abhishek Singh, four persons, namely, Baljit Singh @ Bulli (petitioner in CRM-M-25807-2023), Sukhwinder @ Ghuddu (petitioner in CRM-M-255-2023), Kishan (petitioner in CRM-M-18013-2023) and Gurbhej Singh, who were on two motorcycles, fired shots at his brother, which hit him on his head and chest, and sped away. The complainant took his injured brother to a hospital where he was declared as brought dead. He alleges that Abhishek Singh was attacked as accused, Kishan Singh, suspected that his brother had a relationship with his girlfriend.

4. Counsel for the petitioners urges that although the petitioners are specifically named in the FIR, but in his testimony, Annexure P-2, complainant has categorically stated that his brother was attacked by unknown persons, who faces were covered. Counsel submits that the complainant has deposed that the accused, who were present in Court, are not the assailants of his brother. Reference has also been made by counsel

to the testimony of Gurjit Singh and Karanbir Singh, Annexures P-3 and P-4, respectively, who have been examined as PW-2 and PW-3, to contend that none of the crucial prosecution witnesses have named the petitioners in their deposition. Counsel asserts that the petitioners, who are in custody since 16.01.2021, deserve to be enlarged on bail as the material witnesses have been examined and the trial is not likely to conclude in the near future.

5. *Per contra*, State counsel upon instructions received from ASI, Baldev Singh and by making a reference to the status report, has opposed the petition by contending that there are specific allegations against the petitioners. He submits that all the four accused have been apprehended and recovery of weapons and cartridges has been effected from them. He submits that five bullets have been recovered from the dead body of the deceased and it has been reported that the cause of death is due to hemorrhage and shock resulting from injuries on vital organs. State counsel submits that motorcycle used in the offence was found to be stolen. As per his instructions, four out of thirty two witnesses have been examined and all the petitioners, who have a criminal past, do not deserve any concession.

6. I have heard counsel for the parties and considered their respective submissions.

7. Vital prosecution witnesses have been examined and their deposition has been noticed. Culpability of the petitioners and the role ascribed to them shall be determined by the Trial Court on the basis of ocular and documentary evidence adduced by the prosecution, which does not require any examination for the purpose of deciding the instant petitions. Trial is at an embryonic stage as twenty eight more witnesses are

yet to step into the witness box. Petitioners are in confinement for the last more than eighteen to thirty two months. This Court is, therefore, prime facie of the view that the petitioners deserve to be enlarged on bail during the pendency of the trial.

8. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petitions are allowed. Petitioners are ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

9. While being released on bail, petitioners shall furnish an undertaking by way of separate affidavits that henceforth they will not indulge in any unlawful activity and in case, they violate the undertaking, liberty is granted to the State to seek cancellation of bail.

10. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

29.09.2023
kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No