

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-7284-2023

Date of Decision: 18.05.2023

Sohan Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. ADS Sukhija, Advocate for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

1. Reply dated 18.05.2023, filed by way of affidavit of Ms. Rupinderdeep Kaur Sohi, Deputy Superintendent of Police, Sub Division Kharar-I, District SAS Nagar, on behalf of respondent-State, is taken on record.

2. The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No. 64 dated 13.03.2021, registered under Sections 302, 325, 148 and 149 IPC at Police Station Sadar, Kharar.

3. According to the prosecution story, the aforesaid FIR was registered against the petitioner and his co-accused on the statement of complainant-Parminder Singh, stating therein that he is working in Iron Mill at Gobindgarh. He was known to property dealer Gurvinder Singh @ Roda for the last 5 years. On 12.03.2021, he had gone to the house of Gurvinder Singh where Avtar Singh @ Raji (deceased) and Simran, Salman and Beant were also present there. Gurvinder Singh, made a

phone call to Gola and his son Mani regarding some financial transaction and heated arguments took place between them. Thereafter, at around 9:30 p.m., when they were going towards the office of Mani and Gola in the car of Gurvinder Singh, for bringing money, they found some vehicles were standing there. Gurvinder Singh, stopped his car and started alighting from the car. In the meanwhile, Mani, Jaspreet Singh @ Jass and Harmandeep Singh armed with kirpans, Gola and Sona along with 10-12 unknown persons armed with sticks attacked upon them. Harmandeep Singh gave kirpan blow to Avtar Singh @ Raji which hit him on his left arm. He gave another kirpan blow on the left flank of Raji, due to which he fell down. Condition of Avtar Singh @ Raji was not good. He was taken to Civil Hospital, Kharar but he succumbed to his injuries on the way. The reason for grudge was that there is some money dispute in between Guvinder Singh @ Roda and Gola and Mani. Due to this grudge the accused have committed murder of Avtar Singh @ Raji.

4. Learned counsel, *inter alia*, contends that the petitioner has falsely been implicated in the present case. No injury has been attributed to the petitioner. He further submits that this is a case of version and cross-version. The petitioner is in custody since 22.03.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that petitioner may be released on regular bail.

5. On the other hand, learned counsel for the State vehemently opposed the present petition. However, in the reply filed by learned counsel for the State in Court today it has been averred that Paramjit

Kaur wife of accused Gurdeep Singh @ Gola, moved a complaint bearing No. 1923/Peshi/SS dated 07.07.2022, pleading innocence of her husband and false implication in the present case/FIR. On enquiry, it came to the light from the statements recorded, call detail records and CCTV footage that Gurdeep Singh @ Gola, Sohan Singh @ Sohna (petitioner herein) and Manjinder Singh @ Mani were not present at the spot at the time of alleged occurrence rather they were present at their respective houses and during enquiry they were not found to have called the persons from outside. It has further been averred that during investigation, the presence of petitioner at the spot at the time of alleged occurrence is not proved on record.

6. In view of the above and keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that conclusion of trial will take sufficient long time, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

7. Therefore, the petition is allowed and petitioner-Sohan Singh, is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

18.05.2023*rishu***(ASHOK KUMAR VERMA)
JUDGE****Whether speaking/reasoned****Yes/No****Whether Reportable****Yes/No**