

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 10.05.2023

(1) CRM-M-15394-2023 (O & M)

Angrez Singh Petitioner

V/s

State of Punjab ...Respondent

(2) CRM-M-13906-2023 (O & M)

Jagdeep Singh @ Laddi Petitioner

V/s

State of Punjab ...Respondent

(3) CRM-M-19320-2023 (O & M)

Baljinder Singh @ Billa Petitioner

V/s

State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Sidhant Vermani, Advocate, (in CRM-M-15394-2023)
Mr. G.S. Randhawa, Advocate
(in CRM-M-13906 & 19320-2023)
for the petitioners.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

This order shall dispose of three criminal miscellaneous
petitions i.e. CRM-M-15394-2023, CRM-M-19320-2023 and
CRM-M-13906-2023 as they arise out of a same FIR.

2. The prayer in the present petitions under Section 439 Cr.P.C. is for the grant of regular bail to the petitioners-Angrez Singh, Baljinder Singh @ Billa and Jagdeep Singh @ Laddi in case FIR No.26 dated 22.03.2022 under Sections 302, 307, 341, 436, 148 and 149 IPC read with Sections 25/27 of the Arms Act registered at Police Station Majitha, Amritsar.

3. The brief facts of the present case are that on 22.03.2022, the statement of the complainant Firozdeen was recorded by the SHO of Police Station Majitha, Amritsar Rural, wherein it was alleged that the complainant had purchased a house from the Jatts of Village Anaytapura about 13 to 14 years ago and he had been living in this village since then. The entire village was nursing a grudge against the complainant since they (complainant party) had purchased a house. The villagers used to ask the complainant to leave the village, but he (the complainant) was not ready to leave the village. Therefore, whenever, the complainant's daughters would go outside for bringing fodder for cattle, the boys of the village would tease them. On 22.3.2022 at about 8 A.M., the uncle-in-law of the complainant namely Kareem and his sons Makhan and Bagu were going on their tractor trolley towards the water tributary for bringing fodder and Chain's sons Billa and Jindu were coming towards the village from the opposite side on their cart. They (complainant-party) parked their cart on the passage and on request of the complainant, they (accused party) took the cart to a side. Then Makhan drove his tractor trolley ahead and the trolley struck with the cart and the cart got upside down along with the fodder. The complainant requested Jindu and levelled the cart and loaded his fodder on the cart. In the meanwhile, upon making phone calls by Jindu, 15 to 16 other persons came

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at the spot from the village and they beat Makhan and his father Kareem. The complainant and his son Surmu pacified the dispute and all went to their respective houses. Jaqar son of the complainant was coming back to the village on his motorcycle from Bhangwan side and the relative of the complainant namely Chhatu was coming on his motorcycle for persuading Jindu etc. and when they came on the canal near the straw of the complainant's real brother Makhan then Laddi @ Jagdeep Singh (petitioner in CRM-M-13906-2023) S/o Jagtar Singh @ Bagga, Manjinder S/o Pappu, Billa @ Baljinder Singh (petitioner in CRM-M-19320-2023) S/o Sukhchain Singh @ Chain set the straw on fire in front of Jaqar and Chhatu. Chhatu made them understand. Then all the above said three persons beat Chhatu and caused injuries on his head and other body parts. Jaqar made a phone call to the complainant and informed him about the occurrence Thereupon, the complainant, his son Surmu, his real brothers Ali, Makhandeen, his sons-in-law Saku, Baggu, father-in-law and uncle-in-law Kareem and the his sons Makhan and Juman reached near the straw. Then Jindu etc. came towards the village through the canal side. At about 11 AM, Happy husband of the sitting sarpanch armed with pistol and Billa (petitioner in CRM-M-19320-2023) S/o Chain armed with rifle and Jindu S/o Chain armed with rifle and Manjinder armed with a pistol came there. Laddi (petitioner in CRM-M-13906-2023) S/o Bagga raised a lalkara. Thereupon, they all fired gunshots at the complainant with their respective weapons, which hit on the left side of the face and below the ear of Surmu and he fell down on the ground. A second gunshot hit on Ali and he also fell down. The other accomplices of the complainant also received pellets shots. Simar S/o Kannu, Angrej

(petitioner in CRM-M-15394-2023) S/o Khushwant Singh @ Kaku, Nishan

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S/o Bheja, Gulu S/o Kaka and Avtar S/o Lakha and 14 to 15 unknown persons along with Jindu etc. ran away from the spot with their respective weapons while shouting. In the meanwhile, the police officials reached the spot and they all admitted Surmu and Ali in Civil Hospital, Majitha, from where they were referred to Guru Nanak Dev Hospital, Amritsar. Surmu died at Majitha and Ali was admitted to Guru Nanak Dev Hospital, Amritsar and was further referred to Amandeep Hospital. He died at Amandeep Hospital. The reason of enmity was that the complainant had purchased a concrete house in Village Anayatpura and the inhabitants of the village asked them to leave the village, but the complainant did not leave the village.

4. The learned counsels for the petitioners contend that pursuant to the conclusion of the investigation, the report under Section 173 Cr.P.C. came to be submitted against Angrez Singh (petitioner in CRM-M-15394-2023) son of Khushwant Singh @ Kaku, Jagdeep Singh @ Laddi (petitioner in CRM-M-13906-2023) son of Jagtar Singh @ Bagga and Baljinder Singh @ Billa (petitioner in CRM-M-19320-2023) son of Sukhchain Singh @ Chain. Thereafter, the statement of 08 prosecution witnesses were recorded and 07 material prosecution witnesses, namely, PW-1/Ferozdin son of Gaiyadin, PW-2/Makhan son of Karim, PW-3/Karim son of Ahmed, PW-4/Makhandin son of Gayadin, PW-5/Sakku son of Karim, PW-6/Baggu son of Karim and PW-7/Bagga son of Feroz have not supported the case of the prosecution and have turned hostile. As the petitioner-Angrez Singh (in CRM-M-15394-2023) was in custody since 22.03.2022, petitioner-Jagdeep Singh @ Laddi (CRM-M-13906-2023) was in custody since 29.03.2022 and petitioner-Baljinder Singh @ Billa (CRM-M-19320-2023) was in custody

since 28.03.2022, their further incarceration was not required as the material

prosecution witnesses had turned hostile and more than 20 prosecution witnesses yet remained to be examined because of which there would be a significant delay in the conclusion of the Trial.

5. The learned counsel for the State, on the other hand, contends that the petitioners had committed the murder of two persons from the complainant-party, namely, Ali Mohammad and Surmu. Therefore, the nature of the allegations levelled against the petitioners did not entitle them to the grant of bail. He, however, does not dispute the fact that 08 prosecution witnesses out of 31 stand examined and 07 of the 08 prosecution witnesses, who are the material witnesses have turned hostile and did not support the prosecution case.

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

7. Admittedly, all the material prosecution witnesses have turned hostile in the present case. Whether the remaining available evidence on record is sufficient to affix liability upon the petitioners would be adjudicated upon during the course of the Trial. At this stage, the petitioners are in custody since March, 2022 and more than 20 prosecution witnesses are yet to be examined. Therefore, the Trial of the present case is not likely to be concluded anytime soon. As such, their further incarceration is not required.

8. Thus, without commenting upon the merits of the case, the present petitions are allowed and the petitioners, namely, Angrez Singh (in CRM-M-15394-2023), Jagdeep Singh @ Laddi (in CRM-M-13906-2023) and Baljinder Singh @ Billa (in CRM-M-19320-2023), are ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate

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9. The petitioners-Angrez Singh, Jagdeep Singh @ Laddi and Baljinder Singh @ Billa (or through someone on their behalf) shall prepare an FDR in the sum of Rs.1,00,000/- each 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 petitioners from Trial without sufficient cause.

(JASJIT SINGH BEDI)

JUDGE

May 10, 2023

sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No