

In The High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-17952-2021 (O&M)
Date of Decision:- 01.05.2023

Harwinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gurbachan Singh Bhatia, Advocate,
for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Sewak Singh.

FIR No.	DATE	POLICE STATION	OFFENCES
222	18.07.2020	Sirhali, District Tarn Taran	302, 307, 34 IPC and Sections 25/27/54 of Arms Act

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered in a case arising out of above mentioned FIR.
2. The FIR was lodged at the instance of Manjinder Singh. The allegations, in nutshell, are that the complainant and his brothers were having a dispute over land with Harwinder Singh and others who were having adjoining land. It is alleged that on 17.7.2020 Harwinder

Singh (petitioner) armed with 'kahi', Jatinder Singh son of the petitioner who was carrying a pistol, Gopi son of Tarsem Singh carrying a 'dang' and Taranpreet Singh came there while the complainant and his brothers were taking rest in the fields. It is alleged that Jatinder Singh fired shots from his pistol hitting complainant's brother Gurdev Singh, who ultimately succumbed to his injuries. Petitioner Harwinder Singh is alleged to have given a blow with spade on the head of complainant's other brother namely Sukhdev Singh. The matter was investigated by the police and while the petitioner and his son Jatinder Singh were found to have participated in the occurrence the other two were found innocent.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and in case even if all the allegations are taken to be correct, it is co-accused Jatinder who had fired from his pistol killing Gurdev Singh and that the petitioner is attributed a solitary blow with a spade on the head of the injured Sukhdev Singh.
4. Opposing the petition, learned State counsel has submitted that both the accused shared a common intention and having formed such intention they had entered into the fields of the complainant and inflicted injuries to the two brothers of the complainant leading to death of one of them and that as such the petitioner does not deserve the concession of bail. It has also been informed that co-accused Jatinder Singh i.e. son of the petitioner has been declared a 'Proclaimed Offender' and is still on the run. Learned State counsel has however, informed that the petitioner as on date has been behind

bars since the last about 2 years, 8 months and 25 days and that as on date only 10 out of the cited 32 PWs have been examined and that the remaining PWs are mostly official witnesses. It has also been informed that the petitioner is not involved in any other case.

5. This Court has considered the rival submissions.
6. It is correct that the petitioner is specifically named in the FIR and is alleged to have participated in the occurrence and inflicted an injury to the injured Sukhdev Singh with the help of a spade. However, this Court cannot remain oblivious to the fact that the petitioner has been behind bars for a substantial period of 2 years, 8 months and 25 days. The petitioner otherwise has a clean record. Conclusion of trial is likely to consume time inasmuch as only 10 out of the cited 32 PWs have been examined so far. In these circumstances, further detention of the petitioner would not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

01.05.2023
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No