

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(222)

CRM-M-29095-2023
Date of decision:- 22.11.2023

Harpal Singh @ Labha

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Yajur Sharma, Advocate and
Mr. Akun Sheemar, Advocate for the petitioner.

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

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439, Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
89	04.06.2022	Majitha, District Amritsar Rural	302, 379-B r/w Section 34, IPC and Section 25, 27 and 29 of the Arms Act (Sections 201, 212, 216 and 411, IPC were added later on)

2. Case of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Gurbhej Singh, wherein he stated that at about 07:45 P.M. on 03.06.2022, he was travelling with his brother, Harjinder Singh, son of Charan Singh and when his nephew, Bhupinder Singh, met them. They saw Jasmeet Singh @ Jassi and Harjinder Singh, son of Chanan Singh, who were armed with a revolver and datar, trying to snatch Aactiva from two scooter borne girls. Complainant’s brother intervened and Harjinder Singh, son of Chanan Singh instigated Jasmeet Singh @ Jassi to teach him a lesson. Jasmeet Singh @ Jassi fired at complainant’s brother, which hit him on his chest and he fell. When an

alarm was raised, the accused fled from the spot after snatching the scooter. A vehicle was arranged and complainant's brother was brought to the hospital, where he was declared brought dead.

3. Counsel for the petitioner contends that petitioner is neither named in the FIR nor is he accused of homicide. Counsel submits that the petitioner has been named as an accused on the basis of disclosure statement of Ranjit Singh @ Sunny, who in turn, was arrested on the disclosure statement of main accused, Jasmeet Singh @ Jassi and the allegation against the petitioner is that some of the cartridges, which he had purchased for personal use, as he holds a valid arms license, have been used in committing the murder. Counsel submits that although the petitioner is named as an accused in five other criminal cases, but he has been acquitted in three of them. He asserts that the petitioner, who is in custody since 04.07.2022, deserves to be enlarged on bail as no prosecution witness has been examined.

4. Opposing the petition, State counsel, upon instructions from ASI, Harwant Singh, submits that the petitioner had supplied the cartridges used in committing the cold blooded murder. As per his instructions, charge has been framed in December, 2022, though none out of thirty six prosecution witnesses have been examined. He submits that besides the acquittals, petitioner is also accused in two other criminal cases, which have been registered against him for offences under Section 379-B, IPC as well as Arms Act. State counsel has opposed the petition by stressing on the criminal past of the petitioner.

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

6. Undisputedly, petitioner is not the main accused nor was he present at the spot where the unfortunate incident took place. The allegation against him is of supplying the cartridges, which have been used in the homicide. Noticing the nature of allegations levelled against the petitioner, the stage of the trial and length of custody, which by now is more than sixteen months, this Court is of the view that he deserves to be enlarged on bail, though some conditions deserve to be imposed upon him.
7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.
8. While being released on bail, petitioner shall furnish an undertaking by way of an affidavit that henceforth he will not indulged in any unlawful activity. He shall also report before the S.H.O. of Police Station concerned in the morning on the first Monday of every month as well as keep him apprised about his movements. In case, the petitioner violates the conditions imposed by this Court, liberty is granted to the State to seek cancellation of bail.
9. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

22.11.2023

(SUVIR SEHGAL)

Kamal

JUDGE

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