

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision: 11th April, 2023

- (1)

CRM-M-7863 of 2021 (O&M)

Gurikbalmeet @ Robinjeet Singh

Petitioner

Versus

State of Punjab

Respondent
- (2)

CRM-M-38145 of 2021(O&M)

Iqbal Singh @ Afridi

Petitioner

Versus

State of Punjab

Respondent
- (3)

CRM-M-1431 of 2021 (O&M)

Prabhjit Singh @ Prabh Malhi

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. P. S. Bindra, Ms. Sukhpreet Kaur Grewal and
Mr. Dhawaljit Singh, Advocates for the petitioner(s).
Mr. I. S. Mann, DAG, Punjab.
Ms. G. K. Mann, Senior Advocate with Mr. Anmoljiwan
Singh, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

This order shall dispose of the above-mentioned three petitions
as these arise out of FIR No.133 dated 27.8.2018, under Sections 302, 380,

**CRM-M-7863 of 2021 & connected cases (O&M) 2023:PHHC:048793
[2]**

411, 420, 472, 379, 473, 201, 427, 211, 148 and 149 IPC and Sections 25 and 27 of the Arms Act, 1959, registered at Police Station Goindwal Sahib, District Tarn Taran.

However, the facts of the case are being taken from CRM-M-7863 of 2021.

Learned counsel for the petitioners claim parity with co-accused Gursewak Singh @ Bamb who was granted regular bail by this court in CRM-M-28114 of 2020, decided on 7.1.2021.

On 7.1.2021, this Court passed the following order:

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition for regular bail in case of FIR No. 133 dated 27.8.2018, under Section 302, 148, 149, 427 IPC and Section 25/54/59 of Arms Act, 1959 registered at Police Station Goindwal Sahib District Tarn Taran.

The facts of the case are as under:-

The FIR was lodged on 27.8.2018 at the instance of Sukhwinder Kaur. Gurjant Singh son of the complainant left his house along with Bittu in his car for an urgent work. When the complainant was coming from Gurdwara Bauli Sahib, she saw Gurjant Singh with Sahilpreet Singh in his Hyundai i-20 car bearing registration No. PB-02CU-9041. Little later, she saw Thar vehicle bearing registration No. CG-04HK-0086 driven by Iqbal Singh @ Afridi. There was another car following the Thar in which the occupants were Prabhjit Singh, Rubal, Robanjit, Kulwinder Kaur Patwaran, Gursewak Singh and Pargat Singh to whom she knew because of her son. The Thar came in front of Hyundai i-20 car and stopped it. A lalkara was raised for teaching lesson to Sahilpreet Singh for contesting the gram panchayat elections for the post of

Sarpanch against Prabhjit Singh. Iqbal Singh @ Afridi fired shots which hit the wind shield of the Car. Sahilpreet Singh and Gurjant Singh got down from the car to save themselves, they were shot at by Iqbal Singh @ Afridi and his companions. Gurjant Singh received wound on his head. Sahilpreet Singh and a passerby also received injuries. The occupants of the car following the Thar also fired, resultantly, Arshpreet Singh received the fire injury. Afridi was also injured in the firing. Gurjant Singh was taken to Guru Nanak Dev Super Specialty Hospital, Tarn Taran, where he was declared dead. Sahilpreet Singh, Arshpreet Singh and passerby also lost their lives due to injuries sustained.

The DDR was recorded on the basis of statement of Ravinder Iqbal Singh. On 27.08.2018 at 5:30 p.m., he went to Gurdwara Bauli Sahib on his motorcycle. After parking the motorcycle, he went towards Gurdwara Sahib. Then two black Scorpio cars came whose registration number he could not read. In one of the Scorpio, Gurlal Singh, Harpal Singh @ Bittu and 4-5 unknown persons were sitting. In the second Scorpio, Jagroop Singh, Amritpal Singh and Manjit Singh @ Manna and 4-5 other unknown persons were there. They were armed with deadly weapons i.e. 315 bore rifle, 12 bore revolver and pistol. There was one Hyundai i-20 car bearing registration No. PB-02CU-9041 driven by Sahilpreet Singh. Gurlal Singh raised lalkara that Rubal should be taught a lesson for joining Afridi gang. Iqbal Singh @ Afridi came in Thar Jeep bearing registration No. CH04HC-0086 from Fatehabad side and Arshpreet Singh was sitting with him. There were 4-5 more vehicles behind him in which Prabhjit Singh Malhi, Robanjit Singh and Gursewak Singh @ Bob, Pargat Singh and 4-5 armed persons came to protect him. Gurlal Singh fired 3-4 shots. One of the shot hit left plank of the complainant. He ran towards Gurdwara Bauli Sahib,

thereafter, there was heavy firing between both the groups. Arshpreet Singh fired from his 315 bore rifle which hit on the chest of Arshpreet Singh. The shots fired by Gurlal Singh hit the passerby whose name was Dalbir Singh. Gurjant Singh and Sahilpreet Singh received fire shots injuries. Thereafter, both the groups escaped and Sahilpreet Singh dragged himself towards his Car during which his pistol fell down. The injured were taken to various hospitals. The motive behind the occurrence was that Gurlal Singh had slapped and thrashed father of the complainant while Sahilpreet Singh and Gurjant Singh were his accomplices and it was only to show their strength that the incident took place.

Learned counsel for the petitioner submits that the petitioner is in custody since 30.10.2018, though the petitioner is named in FIR but no injury is attributed to him. He seeks parity with other co-accused Manpreet Singh @ Manjit Singh @ Manna and Pargat Singh who have been granted bail by this Court on 19.11.2020.

Learned State counsel on instructions from Sub Inspector Pawan Kumar is not in a position to dispute that the petitioner is in parity with Pargat Singh.

Considering the facts and circumstances of the case, the petitioner is directed to be released on bail subject to his furnishing of surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

The petition is disposed of.”

Learned counsel for the State opposes the prayer for grant of bail. However, in the reply filed by the State, it is admitted that the role of the petitioner in FIR is similar to that of co-accused who was granted bail by this court. Paragraph 3 of the reply is reproduced below:

“3. That although the role of the petitioner Prabhjeet Singh is

at par with the other co-accused who have already been granted the concession of regular bail but the antecedents of the petitioner certainly makes him disentitles for the concession of regular bail, as except the present case, 2 other cases have been registered against the petitioner. As such, the petitioner as well as co-accused has committed the heinous crime and particularly, the petitioner failed to make out the case under which he can be granted the concession of regular bail”

Learned counsel for the complainant vehemently opposes the bail petitions.

Without commenting on the merits of the case, having conspectus of the facts and on the basis of parity with co-accused vis-a-vis grant of bail, the petitioners are granted bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petitions are allowed.

Since the main petitions have been disposed of, pending application(s), if any, also stand disposed of.

Photocopy of the order be placed on the file of each connected case.

[AVNEESH JHINGAN]
JUDGE

11th April, 2023
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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |