

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-34760-2022

Date of Decision: 27.07.2023

Gurpartap Singh

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Vikas Gupta, Advocate, for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Pankaj Kalia, Advocate, for the complainant.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 439 Cr.P.C. is to grant regular bail in FIR No.102 dated 07.06.2021 registered at Police Station Goindwal Sahib, District Tarn Taran under Sections 302, 148 & 149 IPC (Section 148, 149 IPC were deleted and Section 34 IPC and Section 3/4 of the Scheduled Castes and Scheduled Tribes Act (Prevention and Atrocities) Act, 1989 were added later on).

2. Status report by way of affidavit of Arun Sharma, PPS, Deputy Superintendent of Police, Sub Division, Khadur Sahib, Camp at Goindwal Sahib, District Tarn Taran, on behalf of the respondent/State is filed today in Court and the same is taken on record. A copy of the report is also handed over to opposite counsel in Court. Custody certificate filed by the State today in Court is also taken on record.

3. FIR was lodged on the statement of Satnam Singh, as per which on 06.06.2021, his son Jagdeep Singh and nephew Harjot Singh had

gone to a club. He went there to call them. He saw in the light of the club that Shubkaranjit Singh (armed with iron rod), Gurpratap Singh (present petitioner) (armed with dang), Dilbagh Singh (empty handed), Khandi (armed with knife) and Love (armed with Dang) were standing there. It was alleged that Shubkaranjit Singh hit his son with an iron rod on his head, whereas Khandi gave knife blows near the heart of his son, who fell down on the ground. Dilbagh Singh and Love then gave dang blow on the legs of his son. On the alarm raised by them, the assailants ran away. In the statement made to the Police, complainant also disclosed about the motive of causing injuries.

4. It is contended by learned counsel for the petitioner that no injury whatsoever has been attributed to him. Petitioner is only shown to be present at the spot with a dang. It is further submitted that co-accused Dilbagh Singh, who is similarly placed, was given the benefit of anticipatory bail by this Court vide order dated 08.06.2022 passed in CRM-M-11907-2022 (Annexure P2).

5. Learned State counsel along with the counsel for the complainant have opposed the petition on the ground that petitioner was present along with the co-accused and thus, he had the common object with them to cause murder of Jagdeep.

6. It is conceded position that though presence of the petitioner is shown at the spot, but no injury whatsoever has been attributed to him. Thus, he did not actively participate in causing injuries to the deceased. As per the custody certificate placed on record, petitioner is in custody for the last 2 years 1 month and 15 days. He has no criminal antecedents. Charge was framed on 26.05.2022; and total 22 prosecution witnesses have been

cited, but none have been examined so far, as informed by Ld. State counsel.

7. In the facts and circumstances as above and having regard to the role attributed to the petitioner and the fact that trial may take time to conclude, but without commenting further anything on merit of the case, petitioner is admitted to bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Allowed.

(DEEPAK GUPTA)
JUDGE

27.07.2023

Vivek

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |