

Gagandeep Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. J.P.S. Sidhu, Advocate for petitioner.

Ms. Jasleen Kaur Sidhu, DAG Punjab.

ARUN MONGA, J. (ORAL)

This is third foray of petitioner before this court, seeking bail in criminal case bearing FIR No.209 dated 16.11.2019, registered under Sections 302, 307 read with Section 34 of the Indian Penal Code, 1860 and Sections 25 and 27 of Arms Act, 1959, at Police Station City Kotkapura, District Faridkot; first bail petition bearing CRM-M-12433-2020 was dismissed vide order dated 15.05.2020 (Annexure P-4) and second bearing CRM-M-28903-2020 was declined vide order dated 24.11.2020.

2. Per FIR, on 16.11.2019 at about 5:30 p.m., complainant, namely Sukhdeep Singh, his brother-Mandeep Singh and Randeep Singh reached at gate of Kissan Rice Mill Laleana, Kotkapura, after receiving a phone call. When they found gate of said rice mill closed, suddenly petitioner and his father-Gurdev Singh came out and raised *lalkara* for teaching them a lesson on account of their demanding brokerage amount. Allegedly, petitioner fired from his revolver towards complainant, his brother and Randeep Singh. Petitioner also fired one shot at the back of Mandeep Singh. Said Mandeep Singh somehow managed to escape.

Petitioner and his father decamped in their car. Complainant and Randeep Singh

took Mandeep Singh to Civil Hospital, Kotkapura, but he breathed his last on the way. FIR in question was registered against petitioner and his father.

3. Learned counsel for petitioner *inter alia* contends that petitioner has been falsely implicated. Petitioner had property dealings with deceased-Mandeep Singh and Randeep Singh, another property dealer. They started demanding Rs.10 lakh from petitioner and his family to which they denied. On account of this, petitioner has been falsely implicated in the present case. Petitioner and his father have been involved on the instigation of said Randeep Singh, who wants to grab their property.

3.1. Learned counsel further submits that challan has already been presented and charge has been framed. But the trial is proceeding at a snail pace.

3.2. Learned counsel further contends that there are 23 prosecution witnesses. Brother of the deceased has not supported prosecution case. Earlier, after approaching the Supreme Court, vide order dated 05.10.2021, petitioner was granted interim bail for 4 weeks for getting treatment for his ailments. Petitioner did not misuse the said concession and after expiry of 4 weeks, he surrendered to the authorities in time. Conclusion of trial will take long time. No useful purpose would be served by keeping petitioner in further preventive custody.

4. Per contra, learned State counsel opposes the bail petition and submits that petitioner is the main accused, who fired the fatal shot on deceased Mandeep Singh with his licensed revolver.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. On a Court query, learned State counsel submits that all the private witnesses have been examined and the prosecution evidence is almost over, but out of five prosecution witnesses two doctors, namely Dr. Harwinder Singh Chhabra and Dr. Shekhar are yet to be examined. I am of the view that in the premise, there

is no real apprehension that petitioner will try to influence testimony of any of the material private witnesses, since all of them have already been examined. That apart, learned counsel for petitioner has drawn my attention to the testimony of brother of deceased, who is an eyewitness and one of the star prosecution witnesses. He points out that there are bleak chances of conviction of petitioner in view of said eyewitness having not supported the prosecution version. Petitioner is in custody in this case since 17.11.2019. Investigation is complete. Trial is still likely to take long time.

7. Considering the overall scenario and without commenting on merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep petitioner in further preventive custody.

8. Accordingly, petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court, where his case is being tried and in case he/she is not available, before learned Duty Judge, as the case may be.

9. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

10. Disposed of. It is made clear that any observations made hereinabove shall not have any effect on merits the case as the same are for the limited purpose of bail hearing alone and learned trial Court shall proceed without being influenced with this order.

(ARUN MONGA)
JUDGE

February 16, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No