

S. No.203

TARUN SAHNI
2023.01.04 16:12

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

CRM-M-54192 of 2022

Date of Decision:04.01.2023

Baldev Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. G.K. Mann, Sr. Advocate with Mr. Gursharan Singh,
Advocate for the petitioner.

Mr. P.S. Pander, AAG, Punjab.

DEEPAK GUPTA, J.

Petitioner is facing trial in case FIR No.122 dated 24.10.2014 registered at Police Station Islamabad, District Amritsar City, under Sections 302/307/148/149 IPC, 1860 and Sections 25/27/54/59 of the Arms Act, 1959.

As per custody certificate, placed on record by the Additional Superintendent, Central Jail, Amritsar, petitioner is in custody as under-trial for 05 months and 12 days. Petitioner seeks regular bail during pendency of the trial.

FIR was lodged on the statement of Amrik Singh who is Sevdar at Gurudwara Dera Baba Jivan Singh near Sabji Mandi Salem Tabri, Ludhiana. Said Dal comes to Amritsar to celebrate Diwali Festival every year. On 20.10.2014, the said Dal had gone to Amritsar under the supervision of Baba Major Singh. On 24.10.2014, event of horse riding took place in the ground behind Gurudwara Shaheed Ganj, Railway Colony, Block-B where the Dal of the complainant, under the supervision of Baba

CRM-M-54192 of 2022

Major Singh, was also present. Opposite second party, i.e. Dera Baba Jivan Singh, Tajpur Road, Ludhiana was also present there. At about 4:00 PM, after event of horse riding finished and the complainant party was in the process of riding their vehicles, Lallu s/o Sher Singh armed with rifle 315 bore, Sher Singh s/o Udam Singh armed with revolver, Bhinda s/o Sher Singh armed with DDBL 12 bore, Sodhi s/o Sher Singh armed with DDBL 12 bore, Pritam Singh s/o Bishan Singh armed with SBBL 12 bore pistol; besides Baldev Singh (petitioner), Hari Singh, Ninder Singh sons of Nirmal Singh, armed with their respective weapons and 8-10 unknown persons came there. Lallu s/o Sher Singh fired directly from his armed rifle of 315 bore to Bir Singh hitting him on the left side of stomach. The other assailants also started firing from their respective weapons causing injuries to Gurbachan Singh, Harbhajan Singh, Gurvinder Singh and Balkar Singh. Police reached the spot and assailants flood away. The injured were taken to the hospital. Initially, FIR was registered under Sections 307, 148 and 149 IPC and Sections 25 and 27 of the Arms Act. Later on, as Bir Singh succumbed to the injuries, Section 302 IPC was added. Necessary investigation was carried out. Seven accused, namely, Sher Singh, Ajit Singh, Sodhi, Lal Singh, Bhupinder Singh, Pritam Singh, Dalbir Singh and Gurmeet Singh were sent for trial. Remaining two accused, namely, Baldev Singh (petitioner) and Hari Singh were reported to have absconded. On conclusion of trial, Ninder Singh alias Gurmeet Singh was acquitted. Proceedings against Dalbir Singh were dropped on account of his death. The remaining accused, namely, Sher Singh, Ajit Singh Sodhi, Lal Singh, Bhupinder Singh and Pritam Singh were convicted under Section 302 IPC and other provisions vide judgment dated 20.08.2016 and were sentenced as per the order of the same date.

CRM-M-54192 of 2022

Petitioner applied for anticipatory bail before this Court. His CRM-M-9146 of 2022 was dismissed as withdrawn. However, as per the undertaking given by the petitioner, he surrendered before the Police authorities and was sent for trial, by filing supplementary challan against him.

It is submitted by the petitioner that dispute is between the two groups one headed by Baba Sher Singh and other by Baba Major Singh regarding gaddi of Baba Balkar Singh. Petitioner does not belong to any group. On 24.10.2014, i.e. on the day of occurrence, he along with his children had gone to celebrate Bandi Chhod Diwas where the two groups started fighting. Petitioner submits further that only his name is mentioned in the FIR without assigning any specific role or injury. There are ambiguous allegations against him without specifying his role, name etc. A similarly placed co-accused Ninder Singh alias Gurmeet Singh, who is his real brother, has already been acquitted vide judgment dated 20.08.2016 as no role was attributed to him like the petitioner. It is also submitted that subsequently, matter has also been compromised between the parties vide a compromise deed dated 21.12.2021. With all these submissions, prayer for grant of regular bail is made.

Respondent – State opposed the bail petition.

Heard.

Though six of the accused, namely, Lal Singh, Sher Singh, Dalbir Singh, Bhupinder Singh alias Bhinda, Ajit Singh Sodhi and Pritam Singh were specifically named to be armed with specific weapons but the names of petitioner-Baldev Singh and that of Hari Singh and Ninder Singh are mentioned in the FIR, without specifying as to what weapons they were possessing. It is conceded by learned State Counsel that no specific role is attributed to the petitioner. Similarly

CRM-M-54192 of 2022

situated co-accused Ninder Singh alias Gurmeet Singh has already been acquitted.

Trial may take time to conclude.

Having regard to all the facts and circumstances of the case and the fact that there is no specific attribution to the petitioner, he is admitted to bail on his furnishing bail bonds/ surety to the satisfaction of the learned Chief Judicial Magistrate, Amritsar/ trial Court.

January 04, 2023
renu

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No