

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

210

CRM-M-55958-2022

Date of Decision: 16.05.2023

Arvinder Singh Alias Ginny@ Amarinder Singh @ Amrinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Ravi Kamal Gupta, Advocate for the petitioner

Mr. Shiva Khurmi, AAG, Punjab
(assisted by ASI Surjit Singh)

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Section 439 Code of Criminal Procedure, 1973 is seeking regular bail in FIR No.50 dated 24.06.2021 under Sections 307, 452, 427, 506, 148 & 149 of Indian Penal Code, 1860 (for short 'IPC') and Sections 25 & 27 of Arms Act, 1959 (Sections 354, 336 & 323 of IPC added later on) registered at Police Station Zira, District Ferozepur.

2. The case of the prosecution is that Sukhwant Singh-complainant made a statement before police authorities alleging that on 10.06.2021, his younger brother Beant Singh along with his family jumped into a canal. His brother and his son lost their life whereas his wife Veerjit Kaur and daughter survived. After death of Beant Singh,

parents of Veerjit Kaur took her away alongwith minor daughter to their village Baath, District Tarn Taran. They wanted to grab property, thus, they started harassing them. On 24.06.2021 at about 04:00 PM, when he was working in the fields, one *Swift* car of white colour stopped in front of their house. Arvinder Singh @ Ginni, brother-in-law of Beant Singh armed with revolver along with Kulwant Singh @ Kanta, brother-in-law of the complainant armed with 32 bore pistol, Paramjit Singh @ Pamma armed with *kirpan*, Varinder Kaur along with 2-3 unidentified persons armed with *dangs/sticks* entered their house and ransacked window panes. They gave beatings to his mother Sukhdeep Kaur. She raised alarm. Arvinder Singh @ Ginni and Kulwant Singh @ Kanta fired shots in air with their respective weapons. He hurriedly came to house from fields. Varinder Kaur raised exhort (*lalkara*). Arvinder Singh and Kulwant Singh with intent to kill him fired shots. When he tried to run away, Arvinder Singh chased him and fired shots from his revolver which hit on the left side of his back. He fell down on the ground. All the accused managed to flee from the spot with their respective weapons. The motive of causing injuries was to grab property.

3. Learned counsel for the petitioner, *inter alia* contends that FIR was outcome of family dispute. The brother-in-law (husband of sister) of the petitioner along with all other members attempted to commit suicide. The brother-in-law and one child died, however, sister of the petitioner and one child survived. The dispute erupted between the parties on account of division of land. The matter stands amicably

settled. Out of 37 witnesses, 10 have been examined and all of them have turned hostile. The petitioner is in custody since 11.05.2022. The petitioner has been wrongly implicated in the commission of alleged offence. The petitioner is permanent resident of District Tarn Taran. There is no possibility of flee from justice.

4. Custody certificate dated 15.05.2023 is taken on record. As per custody certificate, the petitioner is in custody since 11.05.2022 and he is on bail in two other cases.

5. Learned State Counsel submits that police report has already been filed and charges stand framed. He further submits that out of 37 witnesses, 10 have already been examined which includes the victim. He does not dispute the fact that all the witnesses have turned hostile and matter has been compromised between the parties.

6. In the case in hand, the petitioner is in custody since 11.05.2022. Police report under section 173 of Cr.P.C. stands filed, charges stand framed. All the witnesses have turned hostile and matter has been compromised between the parties. *Prima facie* it seems to be a case of dispute between the family members. The Trial Court yet has to return definite findings on the disputed issues. There is abysmally low possibility of conclusion of trial in near future. The victim stands examined, thus, there is no possibility of winning over or pressurizing her.

7. In view of afore-stated facts and circumstances, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. The petitioner is ordered to be released on bail subject to conditions as may be imposed by Trial Court/Illaqa/Duty Magistrate concerned.

8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

16.05.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>