

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

**205**

**CRM-M No.60828 of 2022**

**Date of decision: 19.01.2023**

**RANJIT SINGH**

**...Petitioner**

**Versus**

**STATE OF PUNJAB**

**...Respondent**

**CORAM : HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. Amardeep Singh, Advocate  
for the petitioner.

Mr. Sanjeev Soni, Addl. A.G., Punjab.

Mr. Anmol Jeevan Singh Gill, Advocate  
for the complainant.

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**RAJ MOHAN SINGH , J.(ORAL)**

Petitioner seeks grant of regular bail in his 4<sup>th</sup> attempt under Section 439 Cr.P.C in case bearing FIR No.51 dated 03.06.2016 registered under Sections 302, 323, 148, 149 IPC and under Sections 25, 27 of the Arms Act (Sections 307, 411, 414 IPC and Section 29 of the Arms Act added later on) at Police Station Rajasansi, District Amritsar.

CRM-M No.14704 of 2019 was got dismissed as withdrawn on 29.07.2020, CRM-M No.37607 of 2020 was got dismissed as withdrawn on 05.08.2021 and CRM-M No.51607

of 2021 was dismissed on 02.04.2022.

The FIR in question was registered at the instance of complainant-Pardeep Singh on the allegations that on 03.06.2016, he along with his elder brother Malkit Singh had gone to bus stand on a motorcycle for some domestic work. When they were returning to their village alongside the bank of canal, one swift car came from behind and struck against their motorcycle. The complainant and his brother fell down from the motorcycle towards the canal side. Five persons came out from the car. Out of them, the petitioner was armed with .315 bore rifle, Bikramjit Singh was armed with .12 bore gun, Karamjit Singh was armed with pistol and Rajbir Singh was armed with small weapon. Name of 5th accused was not known and the complainant could identify him on being produced before the complainant. All the assailants started firing upon the complainant and his brother Malkit Singh. The complainant and his brother started running in order to save their lives. The complainant went towards the bank of canal, but his brother Malkit Singh fell down due to bullet hitting below his chest. The complainant saw from the bushes that all the assailants fired bullets with their weapons on the chest of his brother, below the chest and face. After killing his brother, all the assailants fled away from the spot.

The petitioner was arrested on 13.06.2016 and is in custody for the last more than 6 years and 7 months. The complainant has further alleged that about 5 years ago, one person was killed by the brother of the complainant namely Kuldeep Singh. Due to that grudge, the assailants have murdered Malkit Singh and they have caused injuries to the complainant as well.

Learned counsel for the petitioner submits that co-accused Rajbir Singh and Karamjit Singh have been granted regular bail whereas Jagdeep Singh @ Jagjit Singh has been granted anticipatory bail. Bikramjit Singh has been treated to be a juvenile and has been granted bail by the Principal Magistrate, Juvenile Justice Board.

Learned counsel for the petitioner further submits that Pardeep Singh has been examined as PW1 and he has reiterated the allegations following subject matter of FIR without pinpointing as to which injury was caused by the petitioner except to allege that all the assailants fired upon the brother of the complainant.

Learned counsel for the petitioner submits that out of total 22 prosecution witnesses, only 7 witnesses have been fully examined so far. One witness has been partly examined and his cross-examination is yet to be completed. 2 prosecution

witnesses have been given up and 12 prosecution witnesses are still to be examined.

Vide order dated 04.10.2018 passed in CRM-M-42907 of 2018 titled Karamjit Singh Vs. State of Punjab, a direction was issued to the trial Court to expedite the trial by giving short adjournments and if required, adjourning the case on day to day basis. It appears that the trial has not been taken up on day to day basis and the petitioner has already undergone more than 6 years and 7 months of incarceration.

Learned counsel for the petitioner further submits that there is a material contradiction with regard to recovery of weapon. In the FIR, the weapon attributed to the petitioner is point .315 bore gun whereas recovery of only .12 bore gun has been effected from the petitioner.

Learned counsel for the petitioner further submits that the complainant has also concealed origin and genesis of the occurrence by not explaining the injuries on the person of Karamjit Singh brother of the petitioner, who ultimately filed a Criminal Complaint No.30 dated 02.08.2017 before the Sub-Divisional Judicial Magistrate, Ajnala and the Court has already taken cognizance of the said complaint thereby ordering summoning of the accused therein on the basis of preliminary evidence adduced before the Court. Kuldeep Singh

and Pardeep Singh have been summoned as accused in the said criminal complaint to face trial for the offences under Sections 307, 341 read with Section 34 IPC and Section 25, 27, 54, 59 of the Arms Act. In the said complaint, factum of murder of Gurinder Singh in the year 2012 has been pleaded. Gurinder Singh was murdered by Kuldeep Singh, brother of the complainant. On 03.06.2016 at 6.30 p.m. when Karamjit Singh along with his uncle Ranjit Singh went to buy a medicine from bus stand in their car and when they were returning to the village, then Kuldeep Singh, Malkit Singh and Pardeep Singh were found standing by parking their motorcycle on the road and signalled the car to stop. Due to fear, Karamjit Singh did not stop the car, which hit the motorcycle and ultimately came to halt. Pardeep Singh fired from his .12 calibre pistol. When Karamjit Singh was in the process of coming out of the car, then pellets hit on his back. Whereupon Karamjit Singh also took his gun from the car and fired back. 2 shots hitting Malkit Singh. Pardeep Singh and Malkit Singh started running and Kuldeep Singh also ran away from the spot. The attribution of fire arm injury to the petitioner would remain debatable.

Learned State counsel assisted by learned counsel for the complainant however opposed the bail on the ground of allegations made against the petitioner. Stage of the trial and

custody of the petitioner for the last more than 6 years and 7 months could not be disputed.

All other accused have been granted bail. The petitioner is in custody for the last more than 6 years and 7 months. The complainant has already been examined and in view of the status of trial, the same will take sufficient time in its culmination.

For the reasons recorded hereinabove and without commenting anything on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

**19.01.2023**  
P.Bhatt

**(RAJ MOHAN SINGH)**  
**JUDGE**

Whether reasoned/speaking?  
Whether reportable?

Yes/No  
Yes/No