

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-2778-2024

Date of Decision:-24.01.2024

Salwinder Singh @ Raja.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Amit Arora, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

Mr. P.B.S. Goraya, Advocate for the Complainant.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this second petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.172 dated 09.11.2018 under Sections 302, 34 IPC and Sections 25, 27 of Arms Act, 1959 (Offence under Section 201 IPC and Section 30 under Arms Act, 1959 stands added later on) registered at Police Station Goindwal Sahib, District Tarn Taran.

2. The present FIR came to be registered at the instance of Gursewak Singh son of Hari Singh who stated that they were three brothers namely Manjinder Singh @ Laadi, Baljinder Singh and himself. They were residing jointly with the family of their paternal uncle Palwinder Singh. Behind their house, Amrik Singh son of Pritam Singh was residing and they were sharing a common wall. On the day of occurrence Amrik Singh was

about to plaster the 04 inch common wall of their (complainant party's) house and Palwinder Singh and Harjinder Singh (complainant party) stopped him (Amrik Singh) from doing the same. On hearing the noise he (complainant) along with his elder brother Manjinder Singh @ Laadi reached the spot. They found that Amrik Singh and his son Salwinder Singh @ Raja (petitioner), Manjinder Singh @ Kaka (since granted bail vide order dated 29.09.2020 passed in CRM-M-23645-2020) and his wife Surinder Kaur @ Sindo (summoned under Section 319 Cr.PC and since granted bail vide order dated 31.10.2023 passed in CRM-M-51022-2023) were abusing and giving threats. When he (complainant) and his brother Manjinder Singh @ Laadi raised an issue with Amrik Singh and family regarding the plastering of the Wall then Amrik Singh and Surinder Kaur @ Sindo instigated their sons and stated that whatever would happen they would plaster the wall. On this Manjinder Singh @ Kaka armed with *dang*, and Salwinder Singh @ Raja armed with 12 bore rifle fired a gunshot directly from his rifle from the roof of his house towards his (complainant's) elder brother Manjinder Singh @ Laadi (deceased) which hit him on his neck and he fell down and died at the spot. The accused persons ran away from the spot.

During the investigation the Surinder Kaur @ Shindo @ Sinder Kaur and Manjinder Singh @ Kaka were placed in column no.2 whereas the report under Section 173(2) Cr.PC was submitted against Amrik Singh and Salwinder Singh.

3. The learned counsel for the petitioner contends that his co-accused namely Amrik Singh, Manjinder Singh @ Kaka and Surinder Kaur @ Shindo @ Sinder Kaur had been granted the concession of either regular bail or anticipatory bail. As the petitioner was in custody for more than 05

years, he was entitled to the concession of bail even though he was the main accused.

4. The Counsel for the State on the other hand contends that the petitioner was the main accused having fired at the deceased. His first petition for the grant of regular bail came to be withdrawn as recently as on 30.11.2023. No fresh grounds had been pointed out entitling the petitioner to the grant of bail

5. The Counsel for the Complainant has also corroborated the submission made on behalf of the State and has opposed the bail application of the petitioner.

6. I have heard the learned counsel for the parties.

7. When the petitioner had filed his first petition for the grant of bail the following order was passed:-

“ The learned counsel for the petitioner contends that as the petitioner has been in custody since 05 years, he be granted the concession of bail.

I have heard the learned counsel for the petitioner.

In view of the fact that the petitioner is the main accused, I do not deem it appropriate to grant the concession of bail to the petitioner. However, keeping in view the custody period undergone by the petitioner, the Trial Court is directed to conclude the trial as expeditiously as possible but, in any case, not later than one year from the next date fixed before it.

The present petition is disposed of in the above terms.”

8. The first petition came to be disposed of by this Court with the directions to the Trial Court to conclude the Trial as expeditiously as possible. Despite that fact, the petitioner has approached this Court once again without any change in circumstances. A bare reading of the FIR would show that the petitioner is the main accused.

9. In view of the above, I find no merit in the present petition and the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

January 24, 2024
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No