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(220)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8566-2024

Date of Decision: 24.07.2024

DHARMINDER SINGH @ BHOLA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vikram Jeet Singh, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

Mr. Vaibhav Narang, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in this 3rd petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.194 dated 11.06.2022 registered under Sections 302, 307, 120-B, 148, 149 IPC and Sections 25, 27, 27-A, 29, 29-A, 54 and 59 of Arms Act at Police Station B-Division, District Police Commissionerate Amritsar.

2. The present FIR came to be registered at the instance of Smt. Rajbir Kaur wife of Late Gurpratap Singh @ Raja. As per the allegations, Gurpratap Singh was the owner of a shop at the 100 ft. road main bazaar which had been given to one Gurnam Singh on rent. On 11.06.2022 at about 04.00 PM while Gurnam Singh was outside the shop fixing grills, then on the

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spot Charanjit Singh Babba along with his brother Happy, Dharminder Singh @ Bholu (petitioner), Nona Nihang (subsequently known to be Ranjit Singh) and one more Nihang (subsequently known to be Jarnail Singh granted bail vide order dated 20.03.2024 passed in CRM-M-46717-2023) along with certain unknown persons came there and stopped Gurnam Singh from fixing the grill. Due to this, a dispute started between the parties because of which she and her husband came to the spot. Her husband asked Charanjit Singh Babba to restrain himself from fighting with the tenant Gurnam Singh. On this, Charanjit Singh Babba raised a Lalkara. Then his companion Dharambir Singh alias Bholu also raised a Lalkara. Meanwhile, Nona Nihang attacked her husband on the head with a dattar. To save her husband, his friend Rishi Chaudhary came forward. Then one unknown Nihang attacked the hand of Rishi Chaudhary with a wooden Mungla. Happy attacked with a sword on Jaspreet Singh @ Prince hitting his left arm and shoulder. At the same time, Charanjit Singh @ Babba's brother Rimpi came on the spot who handed over a pistol to Charanjit Singh @ Babba and instigated him by saying that he should finish the fight one way or the other otherwise the complainant party would claim ownership. On saying this, Charanjit Singh @ Baba with an intention to kill fired a shot directly at her husband Gurpratap Singh. One bullet hit the left side of his belly and one bullet struck his left side of the eye on the forehead of her husband who fell down. Her husband was taken in a

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serious condition to the hospital with the help of Rishi, Prince and other persons, where he was declared dead. Legal action was sought.

3. The learned counsel for the petitioner contends that taking the allegations to be correct, only a Lalkara had been attributed to the petitioner. As the petitioner was a first-time offender, in custody since 12.06.2022 but none of the 31 prosecution witnesses had been examined so far, he was entitled to the concession of bail moreso when his co-accused namely, Baljinder Singh, Ranjit Singh, Gurdip Singh @ Rimpay and Jarnail Singh had been granted the similar concession.

4. On the other hand, the learned State counsel contends that all the accused collectively assaulted the deceased and others. He is also visible in the CCTV footage being aggressive. Therefore, he was not entitled to the concession of bail. He, however, concedes that the petitioner was a first-time offender, in custody since 12.06.2022 but none of the 31 prosecution witnesses had been examined so far and that some co-accused had been granted bail.

5. The learned counsel for the complainant vehemently contends that all the accused assaulted the deceased brutally. The petitioner was present at the place of occurrence along with the accused and acted aggressively. The nature of the allegations levelled against the petitioner and his co-accused did not entitle him to the concession of bail. He, however,

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admits that the petitioner has not been attributed any injury and only a Lalkara has been attributed to him.

6. I have heard the learned counsel for the parties and examined the record.

7. The veracity of the prosecution case against the petitioner and his co-accused shall be a matter of adjudication during the course of trial. He is stated to be a first-time offender, in custody since 12.06.2022 but none of the 31 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In such a situation, the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Dharminder Singh @ Bhola son of S. Balwant Singh is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

10. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the

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State would be at liberty to move an application for cancellation of bail granted vide this order.

11. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

24.07.2024

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No