

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

105+232

2024:PHHC:059449
CRM-18785-2024 in/and
CRM-M-11297-2024
Date of decision: April 30th, 2024

Balwinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Bipan Ghai, Senior Advocate
with Mr. Nikhil Ghai, Mr. P.S. Paul
and Mr. G. Gill, Advocates
for the applicant-petitioner.

MANJARI NEHRU KAUL, J.

CRM-18785-2024

Prayer in this application is for placing on record
Annexures P-17 and P-18.

Application is allowed subject to just exceptions.

Annexures P-17 and P-18 are taken on record.

CRM-M-11297-2024

This is fourth petition filed by the petitioner seeking the
concession of regular bail under Section 439 of the Code of Criminal
Procedure, 1973 in case FIR No.66 dated 25.06.2020 under Sections
302, 307, 325, 506, 323, 148, 149, 120-B of the Indian Penal Code,
1860 and Section 25, 27 and 29 of the Arms Act, 1959, registered at
Police Station Mulepur, District Fatehgarh Sahib.

2. Learned senior counsel for the petitioner submits that he
has been in custody since 27.06.2020 in a case of false implication on
account of party faction in the village. While drawing the attention of
this Court to the allegations levelled in the FIR annexed as

Annexure P-1, learned senior counsel has submitted that allegedly though the petitioner was armed with a 12 bore gun, however, he had not been attributed any injury on the person of the deceased, but only a minor injury on the person of injured Sukhwinder Singh; after the dismissal of the previous petition filed by the petitioner, wherein he had sought similar relief as in the present petition; the prosecution evidence was still underway, hence there was no likelihood of the trial concluding soon. Additionally, it has been submitted that identically placed co-accused Jagdeep Singh and Kulwant Singh had already been released on bail. Hence, in the aforementioned facts and circumstances, the petitioner be also enlarged on bail, more so since he had not been keeping good health inside the jail.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the senior counsel for the petitioner, has submitted that this is his fourth petition under Section 439 of the Cr.P.C.; the previous petition was dismissed on 27.04.2023, which was then impugned by the petitioner by way of a SLP before the Hon'ble Apex Court, however, it was withdrawn on 13.10.2023. In the circumstances, the petitioner could not now again approach this Court for the grant of regular bail, more so when the previous petition had been dismissed on merits by way of a detailed order. Furthermore, while drawing the attention of this Court to the allegations levelled against the petitioner in the FIR in question, it has been argued by the learned State counsel that the petitioner was an active participant in the crime in question. There are specific and grave allegations against him; it was the petitioner, who along with the co-accused, all armed with

deadly weapons, came to the spot and indulged in indiscriminate firing, resulting in one fatality and serious injuries to two other injured witnesses. It has been also been asserted by the learned State counsel that the petitioner cannot claim parity with the other two co-accused, who have been released on bail as one of them i.e. Gurjit Singh had not been attributed any injury but only a *lalkara*, whereas the other co-accused Gurmukh Singh had been attributed a blunt injury on the arm of injured Jagtar Singh attracting the mischief of Section 324 of the IPC. Learned State counsel has thus, prayed for the dismissal of the instant petition in view of the previous order of dismissal having been passed on merits and also having been impugned before Hon'ble the Supreme Court, coupled with no material change in circumstances.

4. I have heard learned counsel for the parties and perused the relevant material on record including the allegations levelled against the petitioner in the FIR in question.

5. It is a matter of record that the previous petition filed by the petitioner under Section 439 of the Cr.P.C. was decided on merits and dismissed by a detailed order on 27.04.2023. Thereafter, the petitioner approached Hon'ble the Supreme Court to impugn the order of dismissal passed by this Court. The said SLP was withdrawn before Hon'ble the Supreme Court as is evidenced from Annexure P-15.

6. Learned senior counsel has failed to bring to the notice of this Court any material change of circumstances, subsequent to the dismissal of the previous petition under Section 439 of the Cr.P.C. on 27.04.2023.

7. In the circumstances, this Court is not inclined to accept the prayer made by the petitioner. Accordingly, the instant petition stands dismissed. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. However, keeping in view the custody period of the petitioner, the trial Court is directed to make earnest efforts to expedite the trial and conclude it positively within the next five months from today. Needless to add, the defence would also cooperate in the expeditious conclusion of the trial.

April 30th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No