

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-18358-2023

Date of decision: 10.04.2024

Pritpal Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Stuti Sharda, Advocate for
Mr. Anupam Bhanot, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

Mr. Mohit Rana, Advocate for
Mr. Charanjit Singh Bakhshi, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.0153 dated 05.11.2021 under Sections 302/120-B of the IPC and Sections 25, 27, 54, 59 of the Arms Act, 1959 registered at Police Station Mehatpur, District Jalandhar.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case at hand; even though he was arrested on 10.11.2021, however, till date, the trial had not concluded and there was also no likelihood of the same concluding in the near future. Learned counsel has further submitted that it was on account of strained relations between the parties who admittedly are closely related, that a false case had been planted upon the petitioner.

3. Per contra, learned State counsel assisted by learned

counsel for the complainant, has vehemently opposed the prayer and submissions made by counsel opposite. It has been submitted that it is a case of eye witness account which was witnessed by the wife of the deceased. While drawing the attention of this Court to the allegations levelled in the FIR in question which has been reproduced in the later part of this order, it has been submitted that the petitioner was armed with an unlicensed firearm. On the fateful day, when the complainant had accompanied her husband (hereinafter referred to as 'deceased'), to his fields, the accused-petitioner came to the spot in his car and without any provocation took out a firearm i.e. his rifle and after giving a lalkara, targeted the deceased. 04 shots were fired at the deceased fatally injuring him, and thereafter he fled away from the spot. It has been further submitted that it is a promptly registered FIR coupled with the fact that while stepping into the witness box, not only the complainant but also one of her uncle's who too was present at the spot, had supported the case of the prosecution in its entirety. Learned State counsel, on instructions from ASI Jaswinder Singh, has further submitted that all the material witnesses stand examined and now only 04 prosecution witnesses remain to be examined who are just formal in nature. It has been further submitted that the next date fixed before the learned Trial Court is 12.04.2024 when in all likelihood, the entire prosecution evidence shall be recorded and concluded.

4. Learned counsel for the complainant has also submitted that it is a matter of record that proceedings under Section 107 of the Cr.P.C. were also pending between the parties.

5. I have heard learned counsel for the parties and perused the

material placed on record.

6. It would be apposite to reproduce the relevant portion of the FIR in question, which has been annexed as Annexure P-1:-

“I with my husband Gurwinder Singh Laddi s/o Harbhajan Singh at around 7:30 am was going towards our farm field which is near Smilepur Road Mehatpur. I was working at my Dera, My husband was ploughing the field with the tractor That around 08:00 am Pritpal Singh s/o Kairo Singh r/o Mohalla Saidan Mehatpur whose land is adjoining to our land came in his Etios car of white colour bearing No PB10DP1230 and immediately with the intention to kill my husband took out rifle from his car and gave a lalkara and went towards my husband. He fired four rifle shots at my husband which hit my husband. That Pritpal Singh after firing ran away from the spot with the rifle in his car. That I went near my husband and started shouting and therefore other nearby people also came on spot. That while arranging the vehicle my husband died on the spot. That my husband's uncle Fufad Pritpal Singh s/o Piara Singh r/o Shina Karam Singh PS Ajnala Distt Amritsar was present at the spot. This entire incident was eye witnessed by Pritpal Singh. That the reason of this enmity is that there is a dispute of land area between us and abovementioned Pritpal Singh. That Pritpal Singh s/o Kairo Singh r/o Mohalla Saidan Mehatpur has killed my husband by shooting him because of this enmity.”

7. Prima face, it is evident from a perusal of the FIR in question that it was a premediated attack launched by the petitioner, who admittedly was embroiled in some land dispute with the deceased; as per instructions received by the learned State counsel, all the material witnesses not only stand examined but had also supported the case of the prosecution in its entirety. The trial would thus, not take much time to conclude as it is nearing conclusion. In the facts and circumstances as enumerated hereinabove, this Court would not be inclined to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is hereby dismissed.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10.04.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No