



204

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

CRM-M-24486-2024

Date of decision : 06.09.2024

Avtar Singh @ Tari Virk

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Karanjeet Singh Brar, Advocate for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

DEEPAK MANCHANDA, J.

1. Through this second petition filed under Section 439 Cr.P.C., the petitioner has sought regular bail in case FIR No. 165 dated 21.11.2019 (Annexure P-1) under Sections 302, 307, 506, 341, 34 Indian Penal Code of 1860 and Section 25 of the Arms Act, 1959 registered at Police Station Dayalpura, District Bathinda.

2. The facts, in brief, are that the complainant, Happy Singh, along with his brother, namely Gurpreet Singh @ Midda were going on their motorcycle on Bhai Behlo Road. When they reached near the bridge of drain, they saw that the petitioner, Manpreet Singh @ Mani and Harpreet Singh @ Happy were standing near the electricity shop of Harpreet Singh, who stopped the complainant and started beating his brother Gurpreet Singh. To save themselves, the complainant and his brother Gurpreet Singh entered the shop of Harpreet Singh, where the petitioner followed them inside the shop and fired a shot from his pistol towards Gurpreet Singh @ Midda to kill him, which hit the



neck of Gurpreet Singh, who fell down. Thereafter, the complainant raised the alarm and the petitioner and Harpreet Singh @ Happy ran away from the place of occurrence. Earlier, the petitioner had also filed a bail application before the trial court, which had been dismissed vide order dated 19.04.2023. After that, he approached this Court through CRM-M-10280-2022, which was dismissed as withdrawn vide order dated 16.02.2023. After withdrawing the earlier bail application, the petitioner has again approached this Court through the present bail application.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case, as initially, the FIR was registered under Section 307 IPC, but after eight months, the offence under Section 302 IPC was added vide G.D No. 27, dated 27.07.2020, as the injured Gurpreet Singh died on 03.07.2020. He further contends that there is nothing on the file to show that the deceased had died due to the alleged gunshot injury; instead, he had a sudden episode of pradycardia, due to which the deceased had a cardiac arrest and could not revived, ultimately he was declared dead. He also contends that the other co-accused, namely Manpreet Singh @ Mani and Harpreet Singh @ Happy have already been granted regular bail by this Court vide order dated 01.12.2021 and 22.07.2022 passed in CRM-M-13409-2021 and CRM-M-6009-2022. He further submits that challan stands presented on 04.07.2020, charges have already been framed and out of 27 witnesses ten witnesses have been examined. It is again submitted that the petitioner has already undergone four years and six months of his custody and the conclusion of the trial will take sufficient time. Therefore, he prays that the petitioner should be enlarged on regular bail.



4. Per contra, learned State counsel has opposed the bail application by referring to the status report dated 05.09.2024 and submits that the contentions raised by the learned counsel for the petitioner are factually incorrect. As per the post-mortem report, the cause of death is septicaemia, as a sequel of old firearm injuries suffered by the deceased and the same is attributed to the petitioner, who is the main accused. Learned State counsel further submits that the petitioner is a habitual offender, who does not deserve the relief of regular bail as he is involved in other criminal cases and the case of the petitioner is distinguishable from the other co-accused.

5. I have heard learned counsel for the parties and have gone through the case file carefully.

6. A perusal of the custody certificate produced by the State counsel reveals that the petitioner is a habitual offender, who is found to be involved in other three criminal cases and firearm injury, which caused the death of the deceased, namely, Gurpreet Singh, the same is attributed to the petitioner. The plea of the petitioner saying that the deceased died eight months after the alleged incident due to cardiac arrest is factually incorrect, whereas as per MLR, the cause of death of the deceased was septicaemia, which means the sequel of the old injury sustained. Further, the petitioner cannot claim parity with other co-accused as his role is distinguishable. In contrast, the co-accused, namely, Manpreet Singh @ Mani, who had been granted the concession of regular bail by this Court, no overt act was attributed to him. Only his presence was shown at the place of occurrence and no recovery was effected from him except the motorcycle of the deceased. As far as the case of other co-accused, namely, Harpreet Singh @ Happy is concerned, the shop owner in question,

was shown to be present with accused Manpreet Singh @ Mani, and no recovery was effected from Harpreet Singh @ Happy.

7. In light of the above discussion, considering the criminal antecedents and specific role attributed to the petitioner, this Court is not inclined to grant the concession of regular bail to the petitioner.
8. Accordingly, this petition is hereby dismissed.

(DEEPAK MANCHANDA)

JUDGE

06.09.2024

sapna/vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No