

223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.24921 of 2023 (O&M)
Date of decision : 05.02.2024

Gurpreet Singh..... Petitioner

versus

State of Punjab..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. S.P.S.Sidhu, Advocate
for the petitioner.

Mr. Iqbal Singh Mann, DAG, Punjab.

Mr. A.D.S.Jattana, Advocate
for the complainant.

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.141 dated 10.06.2022 registered under Sections 307/341/34 IPC & Section 27 of Arms Act at Police Station Lambi, District Sri Muktsar Sahib.

2 As per contents of the FIR, it has been alleged as under :-

“Statement of Gurpal Singh son of Jagnadan Singh son of Jagjit Singh resident of village Phulu Khera aged about 50 years mobile 94170-06284. Stated that I am a resident of the above mention address and I am doing agriculture work. I have 2 children, the elder is girl Kiran and the younger is son Gursahib Singh. We have about 10 and a half acres of land at village Phulu Khera. Today I along with my son Gursahib Singh, Siri Baltar Singh son of Mithu Singh and a permanent daily wager Nirmal Singh son of Ajmer Singh, had gone to our fields for work on our Sonalika 50 Tractor and Paltina Motorcycle and we

were returning from home after finishing the work. I and my son Gursahab Singh were on the tractor which was being driven by me and my son was sitting on the side. My Siri daily wager were coming on the motorcycle. When we were about 34 Karams behind the house of Jagsir Singh son of Chimna Singh, then Gurpreet Singh son of Charat Singh armed with 32 Bore revolver, Bishanjit Singh son Gurpreet Singh armed with Kappa, Charat Singh son of Jagjit Singh armed with Gandasa, Kamarpal Singh son of Sarwan Singh empty handed, all residents of village Phulu Khera, were standing on the side in the fields along the road. They encircled us and Kamarpal Singh raised exhortation that today these father and son should not go unharmed. I stopped the tractor out of fear and when I and my son tried to run to save ourselves. Meanwhile Gurpreet Singh fired a shot straight at us from his revolver, with the intention to kill us, which hit in the stomach of my son Gursahib Singh and he fell down. My Siri Balkar Singh and daily wager Nirmal Singh stopped the motorcycle and ran towards my son, then Gurpreet Singh fired another shot straight towards us with the intention to kill us, which hit in the thigh of Nirmal Singh. We raised hue and cry then all of these persons ran away from the spot, along with their weapons. Then arranged a vehicle and got my son Gursahab Singh and Nirmal Singh admitted in Govt. Hospital Lambi for treatment, where the doctor referred both of them to Guru Gobind Singh Medical College Faridkot. However, we took them to Adesh Hospital Bhuchho for better treatment. I along with Harmandeep Singh s/o Harbans Singh c/o Panniwala Fatta have come to the police station to give information about this occurrence. The motive behind this is that we have a dispute regarding land with them, because of which they have shot at my son and my worker, with intention to kill them. I am aggrieved. Necessary legal action should be taken against all four of them. The statement has been given heard and it is correct.”

3 Custody certificate has been filed. The same is taken on record. As per the custody certificate, the petitioner is behind bars for more than 1 year, 7 months & 23 days and has clean antecedents.

4 Learned counsel for the petitioner submits that not only the challan stands presented rather the trial has also proceeded considerably wherein the material witnesses i.e. complainant as well as the injured

already stand examined and thus the custody of the petitioner should not be allowed to be prolonged as a punitive measure.

5 *Per contra* learned counsel for the complainant submits that it is a case wherein intention at the behest of present petitioner-Gurpreet Singh is quite evident, as he fired repeatedly twice to kill Gursahib Singh so that he can usurp the property. He thus submits that in view of the grave allegations levelled against the petitioner, he should not be allowed to admitted to bail.

6 Learned State counsel is not in a position to dispute the aforementioned factual assertions based on record.

7 Having heard learned counsel for the parties and after going through records of the case, keeping in view the incarceration suffered by the petitioner and the fact that the material witnesses stand examined and thus there is cannot be any apprehension that the petitioner shall tamper with the evidence, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

05.02.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No