



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

225

1.

CRM-M-24558-2024

Date of decision: 22.10.2024

State of Punjab

.....Petitioner

Versus

Gurchet Singh alias Cheti

.....Respondent

2.

CRM-M-48989-2023

Date of decision: 22.10.2024

Mandeep Singh

.....Petitioner

Versus

The State of Punjab and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Navdeep Singh, DAG, Punjab
for the petitioner in CRM-M-24558-2024 and
for respondent No.1-State in CRM-M-48989-2023.

Mr. K.P. Singh, Advocate for
Mr. Gaurav Datta, Advocate
for the petitioner in CRM-M-48989-2023.

Mr. Parteek Pandit, Advocate
for the respondent in CRM-M-24558-2024 and
for respondent No.2 in CRM-M-48989-2023.

MANJARI NEHRU KAUL, J.

1. This order shall dispose of abovementioned two petitions as they both arise out of the same impugned order dated 25.08.2023 passed by learned Additional Sessions Judge, Tarn Taran, whereby respondent-accused, Gurchet Singh @ Cheti, has been granted bail in case FIR No.104 dated 29.09.2021 under Sections 302, 341, 148, 149 of the IPC and Sections 25/27 of the Arms Act, 1959, registered at



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Police Station Verowal.

1A. First petition-CRM-M-24558-2024 has been filed by the State whereas second petition-CRM-M-48989-2023 has been filed by the complainant, Mandeep Singh, for cancellation of bail granted to the respondent-accused, Gurchet Singh @ Cheti, as mentioned above.

2. Learned counsel for the State along with learned counsel for the complainant vehemently submit that the impugned order dated 25.08.2023 passed by the learned Trial Court, vide which respondent/accused (hereinafter referred to as 'respondent') was granted bail, is patently illegal, perverse, and grossly erroneous, warranting immediate interference by this Court. Learned counsel argue that the learned Trial Court, in exercising its discretion to grant bail, has failed to consider the serious nature of the allegations and the severity of the potential punishment associated with the crime, which it was duty bound to assess. Such a fundamental oversight, therefore, renders the impugned order unsustainable in law.

3. Learned counsel further submit that the case in question pertains to a heinous double murder, wherein the respondent is not only the prime accused but was also specifically named in the FIR by the complainant. The crime in question is based on direct eye witness account. The complainant had unambiguously alleged that the respondent, armed with a rifle, fired multiple fatal shots at the two deceased persons, Amritpal Singh and Lakhbir Singh, resulting in their instantaneous deaths at the spot. The magnitude and brutality of the Act were such that both victims succumbed immediately to the fatal injuries



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inflicted by the respondent. It has been argued that despite the weight of this evidence and gravity of the offence, the learned Trial Court concerned, in an unjustified and legally flawed manner, enlarged the respondent on bail, disregarding the compelling evidence of his involvement in this cold blooded murder.

4. Furthermore, learned counsel contend that the learned Trial Court committed a grave error by unduly considering the fact that the co-accused Kawaljit Singh and Lovepreet Singh, whose bail applications were earlier rejected by it, had been subsequently granted bail by this Court. It has been further asserted that the learned Trial Court ignored that there was a clear distinction between the roles attributed to co-accused Kawaljit Singh and Lovepreet Singh and the respondent. There was no specific role attributed to both Kawaljit Singh and Lovepreet Singh nor were they attributed any injury much less fatal, on any person including the deceased; only their presence at the scene of the crime had been alleged in the FIR in question. Learned counsel have argued that the learned Trial Court, by equating the case of the respondent with that of co-accused Kawaljit Singh and Lovepreet Singh, committed a manifest error, as the role of the respondent in the twin murders was not merely peripheral but central to the crime. This glaring inconsistency in the reasoning recorded by the learned Trial Court in the impugned order further highlights the perverse nature of the said order.

5. It is further submitted that the complainant, who witnessed the crime in question, as well as other material witnesses, fully



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corroborated the case of the prosecution during their depositions before the learned Trial Court. The testimony of the witnesses proved beyond any doubt the premediated manner in which the respondent brutally murdered both the deceased. The cold blooded execution of the crime, with the respondent firing fatal shots at close range, thus, did not entitle the respondent to the concession of bail and the observations of the learned Trial Court that since all the material witnesses had been examined and there were many more witnesses remaining to be examined, further pointed to the arbitrary exercise of discretion by the learned Trial Court.

6. In addition, learned counsel for the complainant has highlighted that after being extended the concession of bail, the respondent has been continuously extending threats of dire consequences to the complainant and his family which has created a climate of fear; a complaint detailing threats has already been submitted to the authorities concerned. In support, learned counsel for the complainant has drawn the attention of this Court to the complaint annexed as Annexure P-6 with his petition. The learned State counsel has acknowledged the receipt of the complaint.

7. Per contra, learned counsel for the respondent submits that the respondent was granted bail vide impugned order, after due consideration of the material on record. He argues that when the respondent was extended the concession of bail, not only had the investigation concluded but even the complainant and the material witnesses examined. He further submits that two of the co-accused of



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the respondent were also on bail and thus, the learned Trial Court had rightly observed that further incarceration of the respondent would serve no useful purpose moreso, when the trial was unlikely to conclude shortly. It has been further contended by the learned counsel that bail, once granted, should not be cancelled unless there is a clear breach of conditions or a misuse of the liberty granted to the accused. Learned counsel asserts that no such breach or misuse has occurred, and the allegations of threats being extended by the respondent are totally false and baseless. A prayer has, therefore, been made for dismissal of the instant petitions.

8. I have heard learned counsel for the parties and perused the relevant material on record.

9. It is well settled that bail, once granted, should not be cancelled mechanically. The cancellation of bail must be based on strong grounds, such as the breach of the conditions of bail or misuse of the liberty granted to the accused. It must be noted that the power to cancel the bail must be exercised with caution and circumspection, given the indication for the personal liberty of an accused. However, it is equally well settled that where the order granting bail is manifestly perverse or where the discretion exercised by the learned Trial Court comes across as being arbitrary, the Courts are well empowered to intervene and cancel the bail. Before proceeding further, it would be apposite to reproduce the FIR in question which reads as under:-

“First Information Contents: Statement of Mandeep Singh son of Ranjit Singh son of Singh resident of Patti Lakhi Ke Nago ke aged about 27 years Mobile No6280391852



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*Stated that I am resident of abovementioned address and is doing agriculture work, My father have 5 brothers. My father namely Ranjit Singh and my uncle Tasbir Singh had already died. We are two brothers. We, son of my uncle namely Amritpal Singh son of Late Tasbir my uncle Lakhbir Singh son of Jarnail are residing together in the same house at Behakpur Village Nagoke. On 28.09.2021, me and my uncle lakhbir Singh were going to our residence on motorcycle from bus stop village Nagoke and in front of us son of my uncle Amritpal Singh son of late Tasbir Singh were going on motorcycle along with his friend Gurwinder Singh son of Gajjan Singh resident of Alampur. Time was about 10 PM, when we reached in front of Kaccha Path of our resident which starts from village Nagoke towards the canal. And we were followed on motorcycle and were stopped by Jodhbir Singh, Tejbir Singh sons of Sheetal Singh and Lovepreet Singh son of Jagdev Singh, residents of Patti Lekhi Ki Nagoke armed with Dattar. They started arguing with us and started attacking us with Datar. In the meantime Arshdeep Singh son of Daljit Singh resident of patti Billia di nagoke and Kawaljeet Singh son of Jaswant Singhresident of Patti Lakhi Ki Nagoke armed with Dattar came on a motorcycleand from the side of Canal one 120 car came which was being driven by **Cheti** resident of Gagdewa lcame there alongwith one more car and in the same there were 810 unknown parsons and all of them started us. There upon Tejbir Singh above and Lovepreet Singh above raised lalkara to caught Amritpal Singh and said that he may not be spared to day and he may be taught a lesson for disputing with us. Then **Cheti resident of Gagdewal fired shots from his Amritpal Singh and my uncle Lalkbir Singh and same hit on left side of chest of both of them** Both of them fell down Me and Gurwinder Singh raised alarm "Mar ditta Mar ditta" then all of them ran away from spot alongwith their weapons We saw that Amritpal Singh above and my uncle Lakhbir Singh had died on the spot. Thereafter I left the dead bodies of Amritpal Singh above and my uncle in the care of my brother Malkit Singh and was going to inform you alongwith my friend Gurwinder met us. Strict legal action may kindly be taken against the above persons. I shall be thankful to you. Statement heard, recorded and it is correct. Statement by Mandeep Singh above attested by Gurwinder Singh above. Verified by Varinder Singh Kosa PS Verowal, Dated 29.09.2021."*

10. Upon a careful and thorough perusal of the allegations



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levelled in the FIR in question and the other material on record, this Court finds that the allegations against the respondent are of extremely serious and grave nature. The respondent is not only named in the FIR but is also directly accused of firing the fatal shots that led to the deaths of the two deceased persons. The evidence, including the eye witness testimony of the complainant, clearly attributes fatal injuries to the respondent, facts which were inexplicably disregarded by the learned Trial Court. It is apparent that the learned Trial Court erred in extending the benefit of bail to the respondent based on the fact that co-accused Kawaljit Singh and Lovepreet Singh had been granted bail. This Court while granting bail to both these co-accused had noted in its order that the co-accused were not attributed any injury to the deceased, whereas the respondent was specifically attributed a role including the fatal injuries on the two deceased; the case of the respondent is further distinct and cannot be equated with that of the two co-accused, who were granted bail as other than their presence being shown at the scene of the crime they had not been attributed any role either in the FIR in question or even, as also submitted by the learned counsel for the State and learned counsel for the complainant, that other than their presence being alleged they were not attributed any other role or injury on the complainant party.

11. Furthermore, it has been brought to the notice of this Court, and as conceded by the learned State counsel, that subsequent to the grant of bail, the respondent has continued to threaten the complainant and his family with dire consequences. This conduct



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constitutes a clear misuse of the liberty granted to the respondent, re-enforcing the argument by the learned counsel for the State as well as the complainant for the cancellation of his bail. Such threats are not only a breach of conditions of bail but also an attempt to subvert the legal process and intimidate witnesses.

12. In the light of the gravity of the allegations and the misuse of the conditions of bail through the issuance of threats to the complainant, this Court deems it fit to set aside the impugned order whereby the respondent was extended the concession of bail. The impugned order granting bail is, therefore, set aside. The respondent is directed to surrender before the jail authorities/learned Trial Court on or before 05.11.2024.

13. Both the petitions stand allowed accordingly.

14. 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.

22.10.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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