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(225)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-26443-2023

Date of Decision: 23.01.2024

GURDIP SINGH @ RIMPY

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhi Ghai, Advocate,
Mr. P.S. Bindra, Advocate and
Mr. Shubham Mangla, Advocate
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab.

Mr. Vaibhav Narang, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.194 dated 11.06.2022 registered under Sections 302, 307, 120-B, 148, 149 IPC and Sections 25/27/27-A/29/29-A/54/59 of Arms Act at Police Station B Division, Amritsar.

2. The present FIR came to be registered at the instance of Smt. Rajbir Kaur wife of Late Gurpratap Singh @ Raja. As per the allegations, Gurpratap Singh was the owner of a shop at the 100 ft. road main bazaar which had been given to one Gurnam Singh on rent. On 11.06.2022 at about 04.00 PM while Gurnam Singh was outside the shop fixing grills, then on the

spot Charandeep Singh @ Babba along with his brother Happy, Dharminder Singh @ Bholu, Nona Nihang and one more Nihang along with certain unknown persons came there and stopped Gurnam Singh from fixing the grill. Due to this, a dispute started between the parties because of which she and her husband came to the spot. Her husband asked Charandeep Singh @ Babba to restrain himself from fighting with the tenant Gurnam Singh. On this, Charandeep Singh @ Babba raised a Lalkara. Then his companion Dharambir Singh alias Bholu also raised a Lalkara. Meanwhile, Nona Nihang attacked her husband on the head with a dattar. To save her husband, his friend Rishi Chaudhary came forward. Then one unknown Nihang attacked the hand of Rishi Chaudhary with a wooden Mungla. Happy attacked with a sword on Jaspreet Singh @ Prince hitting his left arm and shoulder. At the same time, Charandeep Singh @ Babba's brother Gurdip Singh alias Rimpay (petitioner) came on the spot who handed over a pistol to Charandeep Singh @ Babba and instigated him by saying that he should finish the fight one way or the other otherwise the complainant party would claim ownership. On saying this, Charandeep Singh @ Babba with an intention to kill fired a shot directly at her husband Gurpratap Singh. One bullet hit the left side of his belly and one bullet struck his left side of the eye on the forehead of her husband who fell down. Her husband was taken in a serious condition to the hospital with the help of Rishi, Prince and other persons, where he was declared dead. Legal action was sought.

3. The learned Senior counsel for the petitioner contends that though the petitioner has been named in the FIR, during the course of

investigation, CCTV cameras installed at the place of occurrence and certain other cameras from the nearby areas were examined and it was found that the petitioner had not come to the spot to hand over any weapon to Charandeep Singh @ Babba. However, with a view to inculcate the petitioner, the Investigating Agency had recorded statements of certain other eye-witnesses as per which the petitioner had come to the spot some time prior to the occurrence to hand over his licensed pistol to his brother Charandeep Singh @ Babba. In light of the CCTV footage, the statements of witnesses would have little evidentiary value. Even otherwise, no injury had been attributed to the petitioner. He, therefore, contends that as the petitioner was in custody since 15.06.2022 and none of the 31 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. An affidavit dated 23.01.2024 by way of an affidavit of Gurpreet Singh Bhullar, IPS, Commissioner of Police, Amritsar has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. She along with the counsel for the complainant contend that the petitioner was duly named in the FIR. He had handed over his weapon to the main accused who shot at the deceased. They also contend that statements of witnesses had been recorded as per which the petitioner had come to the spot to hand over the weapon in question to the main accused. However, they concede that as per the CCTV footage, the petitioner was not present at the spot and that he was in custody since 15.06.2022 and none of the 31 prosecution witnesses had been examined so far.

6. I have heard the learned counsel for the parties and examined the record.

7. The veracity of the prosecution case against the petitioner and his co-accused shall be a matter of adjudication during the course of trial. No injury has been attributed to the petitioner. He is stated to be a first-time offender, in custody since 15.06.2022 and none of the 31 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In such a situation, the further incarceration of the petitioner is not required moreso when his co-accused namely, Baljinder Singh has been granted the concession of bail.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Gurdip Singh @ Rimpay son of Baldev Singh is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

10. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

11. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial

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Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause

12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

23.01.2024

JITESH

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