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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.285-A

Case No. : CRM-M-29233-2024

Decided On : September 23, 2024

Rashpal Singh @ Pala

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Ranbir Singh Sekhon, Advocate
for the petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

Mr. Lakhan Paul Garg, Advocate
for Mr. Gurmeet Saini, Advocate
for the complainant.

* * *

GURBIR SINGH, J. :

1. Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.183 dated 02.11.2021, under Sections 302, 307, 148, 149, 447, 511, 120-B IPC, 1860 and Sections 25 and 27 of the Arms Act, 1950 (Section 450 IPC added later on), registered at Police Station Sadar Ferozepur, District Ferozepur (Annexure P-1).

2. The FIR in question was registered at the instance of one Mohinder Singh, elaborating therein about a long pending litigation between the complainant party and accused persons. It was submitted that one Bhagwan Singh and Jarnail Singh were having dispute over 36 marlas land.

Ultimately, Bhagwan Singh succeeded and took possession of the said land,

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as per orders of this Court. Feeling jealous, Jarnail Singh was trying to take revenge. Simultaneously, after winning the legal battle, Bhagwan Singh sold the land to Waryam Singh, Gulzar Singh, Bakshish Singh (complainant's son), Wassan Singh, Gurmej Singh, Satpal Singh, Kashmir Singh and Lakhwinder Singh. However, Jarnail Singh and his brother-in-law Gurdeep Singh were still trying to take forcible possession of said land. So, they hatched conspiracy with two co-sharers of the said land, namely Waryam Singh and Gulzar Singh. Under this conspiracy, Jarnail Singh and his brother Amar Singh, along with his relatives Gurdeep Singh and Balvir Singh, purchased 11 marlas of the said land in the name of their relative Gurpreet Singh son of Surjit Singh and constructed a wall in their respective share. Still they did not feel satisfied as they wanted to take possession of the entire land, due to which, on 30.10.2021, in the night, the said wall was dismantled in order to take possession of the remaining land. On coming to know about the same, Panchayat was convened. It was further alleged that on 02.11.2021, the complainant along with his sons Bakshish Singh and Kabal Singh, Rishpal Singh, Gurmeet Singh, Sukhwinder Singh, Jang Singh and Lakhwinder Singh reached outside the house of Jarnail Singh, near the disputed land. The other relatives and Panchayat members were yet to reach there. However, on seeing the complainant party, accused Jarnail Singh armed with 12 bore rifle, his brother Amar Singh armed with 12 bore gun, Joginder Singh armed with Dang, Surjit Singh @ Baggu armed with 12 bore, Gurpreet Singh son of Jarnail Singh armed with 315 bore, Gurnam Singh (applicant) armed with pistol, Harpreet Singh armed with 12 bore,



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Gurdeep Singh armed with 12 bore, Jassu armed with 315 bore, Waryam Singh armed with revolver and Gulzar Singh came out of the house of Jarnail Singh, followed by Surjit Kaur, wife of Jarnail Singh, Sumitra Bai wife of Gurdeep Singh and Paramjit Singh armed with hockey stick, Kalu son of Amar Singh armed with *kappa*, Amar Singh's son armed with *barchha*, Pritam Singh Ex. Member Panchayat, Gaggi son of Pritam Singh armed with *kirpan*, Joginder Singh armed with 315 bore and Raju son of Balvir also came out of house of Jarnail Singh, accompanied with 4-5 unidentified persons. They (complainant party) asked Jarnail Singh about dismantling the wall. Gurbhajan Singh and Pritam Singh intervened and raised *lalkara*, whereupon Waryam Singh fired shot from his revolver which went above his head and thereafter, Gurpreet Singh fired shot from his 315 bore rifle, which hit head of his son Bakshish Singh. Jarnail Singh also fired two shots from his 12 bore rifle, one of which hit the chest of his son Kabal Singh and the other hit the abdomen of Rishpal Singh. In the meantime, Malkit Singh fired shot from his 12 bore rifle, which hit in the face of Kabal Singh. Harpreet Singh fired shot of 12 bore rifle, which hit in the stomach of his son Bakshish Singh. They raised hue and cry and the assailants rushed inside the house of Jarnail Singh. Pala son of Rattan Singh (petitioner) and Sunny son of Iqbal Singh came in Swift car of red colour. Jarnail Singh, Harpreet Singh and Gurdeep Singh boarded the car and thereafter, they all left the spot. Kabal Singh and Bakshish Singh succumbed to the injuries and Rishpal Singh was seriously injured.

3. Learned counsel for the petitioner has submitted that the

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petitioner was empty handed and as per the allegations levelled in the FIR, no injury is attributed to the petitioner. The petitioner is in custody since 05.02.2024. His co-accused have already been granted concession of regular bail by this Court. So, the petitioner be also released on regular bail.

4. Status Report on behalf of respondent-State has already been placed on record. Learned State counsel, while referring to the Status Report, has opposed the bail petition. He has submitted that the unlawful assembly, of which the petitioner was also a member, has committed double murder. The complainant has lost his two sons. Though the petitioner was nor armed with any weapon at the time of occurrence, but the allegation against him is that he came in the Swift car and helped the co-accused in fleeing away from the place of occurrence. While other persons were arrested but he could not be arrested and was declared Proclaimed Offender on 01.07.2023. He has however fairly submitted that the challan has already been presented. It has further been contended that keeping in view the gravity of offence and serious allegations levelled by the complainant, the petitioner does not deserve concession of bail.

5. Heard.

6. As per the allegations, the petitioner was a member of unlawful assembly and helped the main accused in fleeing away from the scene of crime. However, neither he fired any shot nor any injury is attributed to him. Challan is already presented against him. The petitioner is in custody since 05.02.2024. His co-accused Gurdeep Singh, Paramjit Singh, Amarjit Singh @ Amar Singh and Gurbhajan Singh have already been granted



regular bail by this Court. Culpability of the petitioner shall be decided during trial of the case. Only two witnesses are examined out of 34 witnesses. The petitioner is entitled for bail on the ground of parity.

7. In view of the aforesaid facts and circumstances of the case, since completion of trial will take a long time, no useful purpose would be served by keeping the petitioner behind bars for a long time.

8. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate concerned. The petitioner shall also abide by the following conditions :-

1. The petitioner shall surrender his passport and shall not leave the country without the prior permission of the Trial Court.

2. The petitioner shall give his mobile number to the Trial Court and get the same registered, on which SMS shall be received from the CIS and shall not change his mobile number during pendency of the case.

3. The petitioner shall not change his residence without prior intimation to the concerned Police Station and the Trial Court.

4. The petitioner shall appear before the Trial Court on each and every date of hearing.

9. The Trial Court is at liberty to impose any other condition that it may deem appropriate. It is further clarified that in case of default of any of the conditions, the concerned Court is competent to cancel the bail granted

to the petitioner.

10. However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail petition.

11. Pending applications, if any, shall stand disposed of along with this judgment.

September 23, 2024

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(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.