



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217-1

CRM-M-32554-2024
Date of decision : 06.08.2024

Gurjit Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Amandeep Singh Rai, Advocate
for the petitioner.

Mr. Solomon Partap Singh, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.162 dated 05.12.2019, registered for the offences punishable under Sections 302 and 34 of IPC and 25/27 of the Arms Act at Police Station Doraha, Police District Khanna, District Ludhiana.

2. As per the allegations levelled in the FIR, it has been alleged as under:-

“Statement of Gurjeet Singh son of Avtar Singh, Jatt, resident of Dhandra, Police Station Sadar, Ludhiana aged 39 years, 9780000956. Stated that I am resident of the aforesaid address and at present am Sarpanch of the village. Today, i.e. on 04.12.2019, I along with Jagdev Singh son of Balvir Singh, Balwant Singh son of Gurchet Singh and Gurpreet Singh son of Bharpur Singh, all residents of Dhandra had come to Kashmir Garden, Palace G.T.



Road, Doraha to attend the marriage of Gurkamalpreet Singh resident of Deh and Jagjit Singh son of Buta Singh, Gurjeet Singh son of Sukhdev Singh, Bharpur Singh son of Harnek Singh and Davinder Singh elder son of Bhajan Singh of our village were also attending the marriage. When I and Jagdev Singh both went inside the palace for taking meals after giving shagun, then it was at about 5:00 P.M. when Bharpur Singh raised lalkara from behind that Balwant Singh may be eliminated and may not escape. Then Jagjit Singh aforesaid with pistol held in his right hand while aiming, fired shot straightly in the left side of chest of Balwant Singh with an intention to kill. Then Gurjeet Singh and Davinder Singh aforesaid raised second lalkara loudly that Gurpreet Singh nephew of Balwant Singh has also come, he may also not be spared to give evidence. Then Jagjit Singh furiously aimed at Gurpreet Singh and fired second shot in his chest and abdomen. Due to suffering shorts, there was lot of blood scattered at the spot. Then Jagdev Singh boldly caught hold right arm of Jagjit Singh and threw him on the ground. Suddenly short fired by him hit at left dorsal. Due to fire shorts, there was lot of hue and cry. Then, I and Jagdev Singh brought both injured Balwant Singh and Gurpreet Singh to SPS Hospital by putting them in Scorpio vehicle of Harminder Singh of our village, where the doctor declared Balwant Singh and Gurpreet Singh dead after checking. While bringing the injured persons, our clothes were also stained with blood. Aforesaid persons have murdered Gurpreet Singh and Balwant Singh mercilessly. The cause of grudge is that Gurjeet Singh had brought forward Baljit Singh for contesting election of



Sarpanch against me in which I was declared winner and Baljit Singh had lost the election. Legal action be taken against aforesaid persons/assailants. Now I was going to police station along with Jagdev Singh for getting recorded my statement and you have met at the gate of SPS Hospital, Ludhiana. I have got recorded my statement when I have heard and is correct. Sd/ Gurjeet Singh, Sd/- Jagdev Singh, attested by Davinderpal Singh, SI/SHO, Police station Doraha, dated 05.12.19.”

- 3. Counsel for the petitioner while referring to the allegations submits that apart from lalkara, there is no overt act attributed to the petitioner. Moreover, the petitioner has been summoned by resorting to Section 319 Cr.P.C. as additional accused.
- 4. Counsel for the State does not dispute the aforesaid facts.
- 5. Keeping in view the incarceration already suffered by the petitioner and the fact that there is no overt act attributed to him, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
- 6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

06.08.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No