

2024:PHHC:099964



[214] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M -36345-2024
Date of Decision : 05.08.2024

Harpal Singh alias Bhala ...Petitioner

versus

State of PunjabRespondent

Coram : **HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Viaks Gupta, Advocate for the petitioner.
Mr. Solomon Partap Singh, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

[1] Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail in case FIR No.166 dated 13.05.2022 registered under Sections 302, 120-B, 34 & 201 (added lateron) IPC, 1860 and under Sections 25 & 27 of the Arms Act, 1959, at Police Station Goindwal Sahib, District Tarn Taran, Punjab.

[2] Custody certificate dated 02.08.2024 has been filed in Court today. The same is taken on record.

[3] FIR was registered on the statement made by Gurnet Singh son of Subegh Singh, alleged as under:-

“ Statement of Gurnet Singh son of Subegh Singh resident of Rahal Police Station Goindwal Sahib aged around 53 years 9779024514 stated that I am resident of above mentioned address and an agriculturist. I am blessed with two sons namely Eldest Jang Bhadhar Singh and Daler Singh and Youngest daughter Parminder Kaur wife of Sukhchain Singh resident of Johal Dahiwal village



and is married. That my son Jang Bhahdar was logged at Goindwal Sahin Jail and he was earlier confined at Amritsar Jail. My son Jang bhadhar almost nearly 2 years back while in Amritsar Jail has fight with Nirmal Singh @Nima son of Pal Singh resident of Munda Pind. Nirmal Singh @ Nima and his brother Mandeep Singh son of Pal are threatening my son Jang Bhadhar and Daler Singh. Due to this almost a year and six months they through associates an incident of firing took place at my house was planned. A case against unknown persons was registered by police at Police Station Goindwal Sahib. On dated 12.05.2022 I accompanied by my wife Harjinder Kaur on my motorcycle and my son Daler Singh on his motorcycle for our house hold work visited bus stand Dehara Sahib. After finishing the domestic work and were returning back to our village. My son Daler Singh seated on his motorcycle was driving ahead of use and I accompanied by my wife were following him. At around 9:20 P.M we were at some distance from our village and reached near Karam Singh's tubewell (Bambi) two young persons crossed us on a speeding motorcycle. We noticed that they with their respective weapons started firing shots at my son Daler Singh and my son Daler Singh and Motorcycle fell alongwith roadside. I stopped my motorcycle and I and wife raised help alarm "Maar Ditta". My son Daler Singh was lying on ground in pool of blood. We in the light of motorcycle managed to notice that person who fired at was Satnam Singh @ Satta and Jagga residents of Nausherra Pannuna who equipped with their respective weapons ran away from the spot on motorcycle. We are firm belief that Mandeep Singh and Nirmal Singh @ Nima sons of Pal Singh logged in Jail who had grudge have planned the attack on my son Daler Singh. We after arranging vehicle got admitted my son Daler Singh at Government Hospital Tarn Taran, where doctor after examination and finding his condition critical referred him to Guru Nanak Amritsar as condition of my son serious so we took him to Guru Nanak Dev Multi Specialty Hospital Tarn Taran. Where doctors started treatment of son and during said treatment he died.



My son Daler Singh has been killed by Mandeep Singh, Nirmal Singh @ Nima who are logged in jail through their associates Satnam Singh @ Satta and Jagga resident of Nausherra Pannunan by firing shots have been killed. Strict legal action be taken against them. I was coming to inform you then you met me, statement got recorded, I have read it, same is correct. Sd/- Gurnet Singh attested by Sd/- Prem Singh ASI Police Station Goindwal Sahib Dated 13.05.2022. ”

[4] Complainant is further stated to have suffered supplementary statement on 16.05.2022 and i.e. after 03 days of the registration of the FIR with respect to the same occurrence. However, the petitioner was not named in the said statement. It is only on 06.06.2022 when the complainant suffered second supplementary statement he claimed that after making efforts at his own level, he has come to know that petitioner is also involved in the murder of Daler Singh along with Satnam Singh @ Satta.

[5] Counsel for the petitioner submits that at the time of the registration of the FIR, complainant was specific in naming Satnam Singh @ Satta and Jagjit Singh @ Jagga of having murdered Daler Singh. However, after about 20 days, that too in the second supplementary statement, he has named the petitioner without assigning any role to him.

[6] Petitioner is behind bars for more than 02 years 01 month and 16 days and by now, only 06 out of 27 cited witnesses could be examined. Thus, trial is not likely to conclude in the near future.

[7] State counsel is not in a position to dispute the aforesaid factual



[8] I have heard learned counsel for the parties and have gone through the record of the case.

[9] Keeping in view that the trial is not likely to conclude in the near future especially in view of the long incarceration suffered by the petitioner, without commenting anything on the merits of the case, 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 learned Trial Court/Duty Magistrate, concerned.

[10] 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

05.08.2024
'R. Sharma'

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