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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

I. CRM-M-50941-2023
Raman Kumar @ Dheli @ TeliPetitioner
Vs.
State of PunjabRespondent

II. CRM-M-53288-2023
Vijay KumarPetitioner
Vs.
State of PunjabRespondent

III. CRM-M-51256-2023
Gagandeep Singh @ Gaganpreet SinghPetitioner
Vs.
State of PunjabRespondent

Reserved On.: 07.03.2024
Pronounced On: 11.03.2024

CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued By: Mr. Kushagra Mahajan, Advocate for
the petitioner in CRM-M-50941-2023.

Mr. Manjinder Singh Saini, Advocate for
the petitioner in CRM-M-53288-2023.

Mr. Maneesh Kumar Bali, Advocate for
the petitioner in CRM-M-51256-2023.

Mr. Madhur Sharma, DAG, Punjab,

DEEPAK GUPTA, J.

This order shall dispose of three petitions titled above, as all of

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them have arisen out of same FIR.

2. All the petitioners are praying for regular bail under Section 439 Cr.P.C., in a case arising out of FIR No.68 dated 06.09.2020 registered at Police Station Dhilwan, District Kapurthala under Sections 307, 336, 323, 324, 452, 148, 149, 120-B of the IPC (Sections 25 & 27 of Arms Act & 302 of the IPC were added later on).

3. Status report on behalf of respondent - State has been filed in CRM-M-53288-2023 titled as 'Vijay Kumar v. State of Punjab'; and CRM-M-50941-2023 titled as 'Raman Kumar @ Dheli @ Teli v. State of Punjab'. As per the statement made by learned State counsel, these status report may also be considered for the purpose of petition bearing No. CRM-M-51256-2023 titled as 'Gagandeep Singh @ Gaganpreet Singh v. State of Punjab'.

4.1 Initial version of the FIR was recorded on the statement of Surti S/o Gugga, as per which on 06.09.2020, he was present at his house, when he received telephonic call from his nephew's son Sahil to the effect that relatives of paternal aunt Rajia were giving beatings to his father. He (Surti) with his brother Raj and wife Billu reached village Bhandal Bet, where he got the compromise effected between the niece Rajia and Sikandar Singh, who left for their respective houses. However, at about 2 p.m., when he along with his brother Raj and wife Billu were sitting in the courtyard of his nephew Sikander Singh, one car and motorcycles along with 10-12 youngsters came there, entered the house of Sikander Singh, armed with pistols and datars. They

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included Geeta, daughter-in-law of his niece Rajia, her brothers Vicky and Vijay (*petitioner in CRM-M-53288-2023*), father Amrik, mother Simla and maternal uncle Lal Chand. They were also accompanied by some youngsters unknown to the complainant, who were armed with pistols and datars. One of the unknown persons fired shot with an intention to kill Surti, hitting him in the middle of his right leg. Second fire shot hit him on the right thigh above knee. Another unknown person gave datar blow, hitting him on the left side of his head. Another datar blow was given by the unknown person hitting his right hand. As he raised alarm, his brother Raj came forward, who was also given injuries. The assailants fled away on their respective vehicles, firing shots in the air. It was disclosed by complainant Surti that he could recognize the unknown persons, if produced before him.

4.2 The second version of the FIR was registered based on the statement of one Surender Singh Thakur, who is the father of deceased Vishal Thakur. Said deceased Vishal Thakur was one of the persons, who had gone to the house of Surti with other accused to beat him, but he (Vishal Thakur) got himself injured and ultimately died. It was disclosed by said Surender Singh Thakur that on 06.09.2020 at about 3-3.30 pm, he received a call from his wife that his son Vishal Thakur had sustained bullet injury and was admitted in Oxford hospital. He along with his family members reached the hospital, where his son died on account of receiving bullet injuries.

4.3 During investigation, supplementary statement was made on 30.09.2020 by first complainant Surti, wherein he nominated additional

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accused as Raman Kumar @ Teli (*petitioner in CRM-M-50941-2023*), Vishal Thakur (deceased), Chhiba, Sunny, Sidharth, Gurpreet Singh, Gaganpreet Singh (*petitioner in CRM-M-51256-2023*) and Sanjiv Kumar @ Sajjan. On the basis of disclosure statement made by arrested accused Gurpreet Singh and Sanjiv Kumar @ Sajjan, Jagdev Singh was arraigned an accused, vide DDR No.16 dated 03.10.2022. All these persons were also added as accused in the second version of the FIR vide DDR No.29 dated 19.11.2020.

4.4 During investigation of the second complaint, it was found that Vishal Thakur son of Surender Singh Thakur was taken by his friend Vicky Kumar to the in-law's house his sister Geeta regarding a dispute and during the occurrence, a fight took place at the spot, in which Vishal Thakur got bullet injury and succumbed to injuries. Vicky Kumar and his brother Vijay had left Vishal Thakur at Oxford hospital and fled away.

4.5 On 29.09.2020, another statement was made by Surender Singh Thakur, as per which, he had come to know that his son Vishal Thakur was taken to village Bhandal Bet by his friend Raman Kumar @ Teli, Chhiba, Sidharth, Vicky Kumar, Vijay, Gurpreet Singh, Gaganpreet Singh and Sanjiv Kumar @ Sajjan in two cars, where he got killed. Said Surender Singh Thakur made another statement on 19.11.2020, as per which he had come to know that his son Vishal Thakur had differences with Vicky Kumar, who in connivance with his brother Vijay and other family members, had taken him to village Bhandal Bet on the pretext of settling some dispute and in order to settle the dispute, Vicky Kumar in connivance with co-accused had killed Vishal Thakur.

4.6 After concluding investigation, final report under Section 173 Cr.P.C. was submitted qua 10 accused, who were arrested from time to time. Supplementary challan was presented against two accused on 31.05.2021. Another supplementary challan qua accused- petitioner Vijay Kumar has also been presented; whereas 04 more accused namely Amrik, Chibba, Sunny and Sidharth are still at large, against whom P.O. proceedings have already been initiated.

4.7 Charges have already been framed against the accused qua whom the challan was presented. Out of 46 witnesses cited by the prosecution, 12 have since been examined.

5.1 It is the common contention raised by learned counsel for all the three petitioners that co-accused Jagdev Singh, Amrik, Rajia, Gurpreet Singh, Lal Chand, Sanjeev Kumar, Kashmira and Vicky Kumar have already been allowed regular bail by this Court from time to time.

5.2 Learned counsel for the petitioner Vijay Kumar contends that case of the said petitioner is on parity with co-accused Vicky, who was allowed bail on 19.09.2023.

5.3 Learned counsel for the petitioners on behalf of Raman Kumar @ Dheli and Gagandeep Singh contends that their case is on parity with Gurpreet Singh, Sanjeev Kumar and Vicky Kumar, all of them have already been allowed bail.

5.4 Learned counsels have also pointed out towards the custody period of all the three petitioners and contend that trial is likely to take long

time to conclude and so, they be allowed bail on the basis of parity.

6. Learned State counsel has opposed the petitions. It is contended that in the disclosure statement of co-accused Jagdev @ Jagga, it has emerged that during the incident, trigger of the pistol of accused Vijay Kumar (*petitioner in CRM-M-53288-2023*) was got stuck and as he was reloading the pistol, a projectile came out from the pistol hitting Vishal Thakur and the same resulted in his death. Prayer is made for rejecting the bail petitions.

7.1 The custody certificate of the three petitioners placed on record by learned State counsel would reveal that petitioner Vijay Kumar is in custody for the last 01 year 06 months and 20 days till 06.03.2024, though he is involved in five more cases.

7.2 Petitioner Raman Kumar @ Dheli is in custody for the last 02 years 11 months and 01 day and involved in 04 more cases.

7.3 Petitioner Gagandeep Singh @ Gaganpreet Singh is in custody for the last 11 months and 19 days and he is involved in one more case.

8. Perusal of the paper-book would further reveal that following co-accused have been allowed regular bail by this Court from time to time.

Name of accused	Petition No.	Bail granted on:
Jagdev	CRM-M-33362-2022	17.04.2023
Sunny	CRM-M-37841-2022	
Amrik	CRM-M-38517-2022	
Rajia	CRM-M-37962-2021	11.07.2022
Gurpreet	CRM-M-1339-2021 (O&M)	
Lal Chand	CRM-M-4203-2021 (O&M)	
Sanjeev	CRM-M-7064-2021	
Kashmira	CRM-M-37951-2021	

Vicky	CRM-M-32590-2023	19.09.2023
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9. Co-accused Jagdev, Sunny and Amrik were allowed bail vide a common order dated 17.04.2023 passed by this Court by giving detailed facts and reasons. Similarly, another co-accused Vicky was allowed bail by this Court vide detailed order dated 19.09.2023 passed in CRM-M-32590-2023.

10. After going through both the aforesaid orders, this Court finds that case of petitioner Vijay is on parity with Vicky, who has already been allowed bail; whereas case of petitioner Gagandeep Singh @ Gaganpreet Singh is on parity with co-accused Gurpreet, Lal Chand and Sanjeev who have already been allowed bail by this Court.

11. Keeping in view the aforesaid circumstances, particularly on the basis of parity and for all the reasons as have been given in detail by this Court in its order dated 19.09.2023 passed in CRM-M-32590-2023 and order dated 17.04.2023 passed in CRM-M-33362, CRM-M-37841 & CRM-M- 38517-2022 but without commenting anything further on the merits of the case, all the three petitions are allowed. Petitioners are admitted to bail on their furnishing requisite bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

March 11, 2024
Neetika Tuteja

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No