

**CRM-M-50513-2024 1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(202)****CRM-M-50513-2024****Date of Decision : October 21, 2024****Inderjeet Singh alias Inder****.. Petitioner****Versus****State of Punjab****.. Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Naresh Kaushal, Advocate, with
Mr. Nitish Kaushal, Advocate, for the petitioner.

Mr. Amarpreet Singh Bains, Assistant Advocate General,
Punjab.

Mr. Ashdeep Singh, Advocate, for the complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.37 dated 30.03.2021 registered under Sections 302, 307, 506, 120-B, 148, 19 IPC and Sections 25, 27 of the Arms Act at Police Station P.S. Mullanpur, District S.A.S Nagar.

2. Learned counsel for the petitioner argues that there is no allegation that the petitioner has inflicted any injury upon the deceased or any victim hence, once similarly situated co-accused namely Joginder Singh @ Jagga and Prince @ Prinser have also been granted the concession of regular bail, the petitioner be also granted the concession of regular bail.



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3. Notice of motion.

4. Mr. Amarpreet Singh Bains, Assistant Advocate General, Punjab, accepts notice on behalf of respondent-State and Mr. Arshdeep Singh, Advocate, accepts notice on behalf of the complainant.

5. Learned State counsel submits that in fact, the petitioner is the one who had fight with Sukhchain Singh i.e. the brother of the deceased in the morning on the date incident happened and thereafter, the deceased and the injured were called to a particular place so as to make them apologize to the petitioner by touching his feet for offending him in the morning the day incident happened and when, the victim and the injured did not touch the feet of the petitioner, the deceased was shot dead and the other victim suffered injuries hence, it cannot be said that the petitioner has no role in whole of the incident which led to the death of Satnam Singh @ Satta and he is similarly situated as other co-accused, who have been granted the concession of bail.

6. Learned counsel appearing on behalf of the complainant submits that the petitioner is the one, on whose asking, the deceased and the injured were called at a particular place so as to apologize to him for offending him in the morning of 29.03.2021 and the other co-accused had directed that the deceased and the victim should touch the feet of the petitioner and upon failing to do so, Sukhbir Singh Bila had fired upon the deceased so as to kill him and injured the others.

7. Learned counsel for the complainant further submits that the petitioner is the one, who had initially fought in the morning of 29.03.2021 with Sukhchain Singh due to which he felt offended and the victims were



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called at a particular place same evening to apologize to him hence, it cannot be said that the petitioner has nothing to do with the incident and he is a mere spectator present at the spot.

8. I have heard learned counsel for the parties and have gone through the record with their able assistance.

9. A bare perusal of the FIR would show that the FIR starts with the recording of alleged fact that there was a fight between the petitioner and one Sukhchain Singh on 29.03.2021 as they were inimical to each other. Keeping in view the fight which took place between the petitioner and Sukhchain Singh, Sukhchain Singh and his brother Satnam Singh @ Satta who had unfortunately died, were called at a particular place same evening to apologize to the petitioner. It is not denied that the petitioner was present at the incident spot and as per the allegations in the FIR, the deceased was shot dead only on the ground that he did not apologize to the petitioner by touching his feet. This fact clearly go on to show that the petitioner was not a bystander at the site where the incident occurred rather, it was the petitioner's fight with Sukhchain Singh in the morning of 29.03.2021 that led to the incident which occurred the same evening. Also, the petitioner along with other accused came armed with the weapons which fact show a clear intention which ultimately led to the death of one of the person namely Satnam Singh @ Satta and injuring the others. Therefore, the argument being raised by the learned counsel for the petitioner that the petitioner is only a bystander and has nothing to do with the incident and he should be granted regular bail at this stage as he never caused any injury to any of the victim, cannot be accepted.



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10. The second argument which has been raised by the learned counsel for the petitioner is that the petitioner is behind bars for the last three and half years hence, he is entitled for the grant of concession of bail and further material witnesses have not supported the version of the prosecution.

11. It may be noticed that as of now, an application for additional evidence under Section 311 Cr.P.C filed by the brother of the deceased where, a video clip showing the incident, which has been recorded by one of the witness, who was present at the spot, is pending consideration before the trial Court. Material witnesses are yet to testify though some witnesses have turned hostile but same cannot be a ground to grant the petitioner the concession of regular bail as other material witnesses are yet testify.

12. Not only this, it is the petitioner on whose asking, the deceased and the victim were called at a particular place in the evening of 29.03.2021 so as to apologize to him which fact show that he is the one, who is in the center of all the allegations with regard to the fight in the morning with brother of the deceased as well qua the incident in the evening of 29.03.2021 wherein, one person lost his life hence, merely that the petitioner has undergone three years and six months of incarceration, is no ground to bring him out on bail ignoring the fact that in case the allegations are proved, the petitioner is to be convicted with life sentence.

13. No other argument was raised.

14. No ground is made out for the grant of regular bail at this stage keeping in the facts and circumstances of the present case and at the stage of the trial. Trial Court is directed to expedite the trial and is also directed that



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testimony of the material witnesses is done at the earliest after which claim of the petitioner for the grant of bail can be considered in case no evidence comes on record to implicate the petitioner with the allegations alleged.

15. According, the present regular bail application is dismissed at this stage.

October 21, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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