



225/2 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-24194-2024

Date of Decision: 23.01.2025

Gurmej Singh @ Baba

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Gobind Singh Randhawa, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of Cr.P.C. with a prayer to grant regular bail to him in case FIR No.94 dated 24.05.2023 registered under Sections 302, 307, 148, 149 of IPC (later on added Sections 212, 216 and 120-B of IPC) and Section 25 of Arms Act, 1959, at Police Station Beas, District Amritsar (Rural).

2. The FIR in the present case was registered on the basis of the statement made by Ajit Singh son of Charan Singh and the same has been reproduced below:-

“Statement of Ajit Singh son of Charan Singh 1/0 Patti Gariye ki Sathiyala age about 57 years M.No. 9876442838. It is stated that I am resident of above said address and am an agriculturist. I have got two sons, the elder one is Jarnail Singh aged about 35 years who is also agriculturists and younger one is Lakhvir Singh who went to America about 10 years back. Today on 24.5.2023 at about 9.00 AM I and my son Jarnail Singh were going on the Gharuka of Major Singh son of



Tara Singh r/o Sathiyala after loading wheat, Sarson for preparing the food for livestock to flour mill of Inder Singh r/o Sathiyala and at about 11:30 AM I and my son were present in the flour mill of Jarnail Singh when one swift dezire white colour car came and stop outside the Mill and four persons came out of the car and the driver remained in the car. Three persons out of four who came out of the car had muffled their faces and one person wearing Capry who was clean shaven and all of them were armed with pistols. They came and started firing on my son Jarnail Singh and the bullets hit on the head, face and chest of my son. One bullet hit on the right side of the chest of Major Singh the owner of the Gharuka. My son Jarnail Singh fell down and I raised alaram and the above said persons ran away from the spot alongwith their weapons in the car. I can recognize them if they come in front of me. We took Jarnail Singh and Major Singh to Civil Hospital Baba Bakala Sahib after arranging the vehicle where doctor Sahib checked my son Jarnail Singh on the gate itself and declared him dead and Major Singh was referred to Amritsar Hospital after giving first aid. I left my brother in law Gurbej Singh son of Karam Singh r/o Bhoma P.S. Ghuman and was coming to Police Station alongwith Harinder Singh son of Kulwant Singh r/o Sathiyala when you met us. 4/5 unknown persons have killed my son Jarnail Singh after firing on him and injured Major Singh. Legal action be taken against the aforesaid persons. Sd/-Ajit Singh.”

3. Learned counsel for the petitioner contends that as per version of the prosecution, the petitioner had reached at the place of occurrence along with his co-accused. After reaching the spot, the petitioner continued to sit in the car, while his co-accused came out and fired at Jarnail Singh and Major Singh. Due to the injuries caused by firing by co-accused, Jarnail Singh had expired, whereas,



Major Singh has suffered serious injuries on his person. Learned counsel further submits that in fact, as per the case set up by the prosecution, no overt act has been attributed to the petitioner. He further contends that the petitioner was wrongly arrested in the present case on 09.06.2023 and is in custody for the last more than 01 year and 07 months. After completion of investigation, challan has already been presented against the petitioner and since no witness has been examined so far, there are no chances of early conclusion of the trial.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. As per the prosecution, the petitioner had come at the place of occurrence with his co-accused. However, as per the case of the prosecution, the petitioner was sitting in the car, while other co-accused came out and fired at Jarnail Singh and Major Singh. Whether, the petitioner shared the common intention with his co-accused or not, is a subject matter of trial before the trial Court and the prosecution is yet to lead evidence in that regard. At this stage, the petitioner is in custody for the last more than 01 year and 07 months and no witness has been examined so far.

7. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to



his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

23.01.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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