

Iqbal Singh And Others Vs State Of Punjab

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Nov. 22, 2021

Acts Referred: Indian Penal Code, 1860 " Section 147, 148, 302, 307, 323, 324, 325, 326, 452
Arms Act, 1959 " Section 25, 27

Hon'ble Judges: Gurvinder Singh Gill, J

Bench: Single Bench

Advocate: Sunil Kumar Pandey, Vishwajit Bedi, D.S.Pheruman, Akhilesh Vyas, Ajay Pal Singh Gill

Final Decision: Dismissed

Judgement

Gurvinder Singh Gill, J

1. This order shall dispose of the above mentioned three petitions wherein petitioners Iqbal Singh, Gurcharan Singh and Paramjit Singh @ Pamma,

seek grant of regular bail in a case registered vide FIR No. 121, dated 23.8.2018, Police Station Kamboj, District Amritsar, under Sections 302, 452,

307, 323, 324, 325, 326, 148, 149 of IPC and Sections 25/27 of Arms Act.

2. The FIR in question was lodged at the instance Satbir Singh, wherein it has been alleged that he and his family wanted to sell some portion of their

house in their village but their neighbor Paramjit Singh did not allow any buyer to purchase the same and used to tell the prospective buyers that the

property is under dispute. On 23.8.2018, the complainant's son namely Harjit Singh went to the shop of Paramjit Singh at about 5 pm to lodge his

protest against his conduct where some hot words were exchanged between them, but Jaswinder Singh intervened and sent Harjit Singh back to his

house. In the evening at about 7.30/8 pm when complainant's son Harjit Singh was milking buffalows, a white coloured swift car stopped in front

of their house. Babu armed with a revolver, Baljit Singh, Gurcharan Singh, Meeta, Joga Singh armed with AK, Kirpan, Iqbal Singh armed with Rifle

12 bore and Paramjit Singh armed with AK came there and raised a lalkara challenging the complainant and others to come out of their

house and hurled abuses. When the complainant's son tried to stop them, Babu fired a shot at him from his revolver. The complainant's son

turned around to save himself but the shot hit on the right side of his head and as a result of which he fell down. While the complainant's son

Harjit Singh was lying, Joga gave a blow with $\tilde{A}\phi\hat{a},-\tilde{E}\phi\text{ekirpan}\tilde{A}\phi\hat{a},-\hat{a},\phi$ to Harjit Singh and when Harjit Singh raised his right hand, the $\tilde{A}\phi\hat{a},-\tilde{E}\phi\text{ekirpan}\tilde{A}\phi\hat{a},-\hat{a},\phi$ hit on his

hand. Another blow was given by Meeta with $\tilde{A}\phi\hat{a},-\tilde{E}\phi\text{ekirpan}\tilde{A}\phi\hat{a},-\hat{a},\phi$ to Harjit Singh hitting on his right wrist. When the complainant stepped forward to save

his son, then Baljit Singh gave a $\tilde{A}\phi\hat{a},-\tilde{E}\phi\text{ekirpan}\tilde{A}\phi\hat{a},-\hat{a},\phi$ blow on the head of the complainant hitting on the right side of his forehead. Gurcharan Singh also

gave a blow on the middle of forehead of the complainant with the help of a $\tilde{A}\phi\hat{a},-\tilde{E}\phi\text{ekirpan}\tilde{A}\phi\hat{a},-\hat{a},\phi$. Meeta also inflicted a blow with $\tilde{A}\phi\hat{a},-\tilde{E}\phi\text{ekirpan}\tilde{A}\phi\hat{a},-\hat{a},\phi$ hitting on

the right forearm of the complainant. When the complainant $\tilde{A}\phi\hat{a},-\hat{a},\phi$ s aged father tried to intervene, Paramjit Singh even gave a blow to

complainant $\tilde{A}\phi\hat{a},-\hat{a},\phi$ s aged father Bakshish Singh hitting him on the left upper arm. Thereafter, the assailants caused more injuries including injury on the

right little finger of complainant $\tilde{A}\phi\hat{a},-\hat{a},\phi$ s father and also on his leg. When the complainant $\tilde{A}\phi\hat{a},-\hat{a},\phi$ s daughter-in-law Kulwinder Kaur intervened then Iqbal

Singh fired 7-8 shots from his 12 bore rifle.

3. Learned counsel for the petitioners have submitted that it is a case of cross-versions wherein the genesis of occurrence has been suppressed

inasmuch as Kanwaljit from the side of the accused had also sustained injuries. Learned counsel for accused Paramjit has stated that he in any case is

not attributed any injury to the deceased or to the complainant and that the only injury attributed to him is an injury on the left upper arm of

complainant $\tilde{A}\phi\hat{a},-\hat{a},\phi$ s father Bakshish Singh. It has been submitted that it is the main accused Babu who had fired with revolver at complainant $\tilde{A}\phi\hat{a},-\hat{a},\phi$ s son

leading to his death who is the main accused and that the petitioners have not been attributed any injury to the deceased. It has further been submitted

that in any case the petitioners have been behind bars for a substantial period of about 3 years and as such deserves to be released on bail. Learned

counsel has submitted that the petitioners in any case deserve the concession of bail on grounds of parity since the co-accused Gurmeet Singh and

Jagir Singh have already been granted bail by this Court vide orders dated 19.11.2019 and 17.11.2018.

4. Opposing the petitions, learned State counsel has submitted that it is a case where all the three petitioners are specifically named in the FIR and

were duly armed and had also caused injuries to the complainant and to other members of his family and as such do not deserve concession of bail.

Learned State counsel has further, submitted that the contention of the petitioners regarding the case being a cross-versions cannot be of any

advantage to the accused as the accused Kanwaljit is alleged to have sustained a single injury on left hand which apparently was caused in self-

defence. A prayer has thus been made for dismissal of the petitions.

5. I have considered rival submissions addressed before this Court.

6. All the three petitioners are specifically named in the FIR and are also armed with lethal weapons. While the petitioner-Gurcharan Singh was armed

with a ~~AK-47~~ Kirpan, petitioner-Paramjit Singh was armed with a ~~AK-47~~ and petitioner Iqbal Singh was armed with a 12 bore rifle. There are

specific allegations against each of the aforesaid petitioners that they had actively participated in the occurrence and had inflicted injuries to the

complainant as well as to complainant's father Bakshish Singh. Even Iqbal Singh has fired 7-8 shots from his 12 bore rifle. The petitioners cannot

claim any parity on account of the fact that co-accused Gurmeet Singh and Jagir Singh have been granted bail inasmuch both Gurmeet Singh and Jagir

Singh were nowhere named in the FIR and came to be nominated subsequently on the basis of a supplementary statement made by the complainant,

the veracity of which would be debatable. The petitioners cannot even claim any advantage from the fact that one Kanwaljit Singh from the side of

the accused had sustained an injury since the accused were clearly outnumbering the complainant party and were armed with lethal weapons and the

single injury on hand allegedly sustained by Kanwaljit Singh was apparently caused in self-defence. In the instant case, apart from the accused having

caused death of complainant's son Harjit Singh, who had sustained 7 injuries they had also caused as many as 9 injuries on the person of the

complainant including 5 grievous injuries with the help of lethal weapons. In these circumstances, the petitioners do not deserve to be released on bail

keeping in view their desperate and criminal bent of mind. Though, it is correct that the petitioners have been behind bars for a substantial period, but

the same ipso facto cannot be made a ground to release the petitioners on bail who otherwise have prima facie committed heinous offences. As such,

all the petitions are hereby declined.

7. The trial Court is however, directed to expedite the conclusion of trial and to ensure that the PWs are duly served well in advance on the dates as

may be fixed for recording their evidence. Short dates be fixed for recording prosecution evidence. If deemed necessary, the Senior Superintendent of

Police, concerned be requested to ensure timely presence of all the PWs so that the conclusion of trial is not further delayed which apparently has

been delayed mainly on account of pandemic Covid-19.

8. A photocopy of this order be placed on the file of each connected case.