

IN THE COURT OF SH. K.K. SINGLA,
ADDL. SESSIONS JUDGE, GURDASPUR.

CIS BA No.303 of 2021

CNR No. PBGD01-000704-2021

Date of decision : 04.02.2021

Simrat Singh son of Kuldeep Singh, resident of Kahnuwan Road,
Simbal Chowk, Batala, P.S. Civil Line, Batala, Tehsil Batala, District
Gurdaspur.

.....Petitioner/accused.

Versus

State of Punjab

..Respondent.

FIR No. 78 dated 31.08.2020,
Offence U/s 302, 148, 149 IPC & Sec. 25, 27 of Arms
Act,
Offence U/s. 427 IPC was enhanced vide DDR No. 28
dated 18.09.2020,
Offence U/s. 307 IPC was enhanced and U/s. 25 of Arms
Act was deleted vide DDR No. 38 dated 13.11.2020,
Police Station Kotli Surat Malhi.

Ist Petition U/s. 439 Cr.P.C.

Present:- Sh. Gaurav Mahajan/Mohit Mahajan, Advocates, counsel for
applicant/accused.

Sh. Kiran Kumar, Addl. PP for the State, assisted by Sh.
Karanjit Singh, Advocate.

ORDER

1. This order of mine shall dispose of bail application
under Section 439 Cr. P.C moved by accused/applicant Simrat
Singh, in case FIR No.78 dated 31.08.2020, Offence U/s 302,

148, 149 IPC & Sec. 25, 27 of Arms Act, Offence U/s. 427 IPC was enhanced vide DDR No. 28 dated 18.09.2020, Offence U/s. 307 IPC was enhanced and U/s. 25 of Arms Act was deleted vide DDR No. 38 dated 13.11.2020, Police Station Kotli Surat Malhi.

2. Facts are that present FIR has been registered on the statement of Briefly, the prosecution story is that on 31-8-2020, Avtar Singh SHO/Inspector, Kotli Surat Malhi along with other police officials was present at Bus Stand Kotli Surat Malhi in connection with patrolling duty when complainant Amrik Singh S/O Channan Singh of Village- Bhagwanpur, approached them and got his statement recorded to the effect that he is employed as ALM in Punjab State Power Corporation. That he has two sons, namely Karamjit Singh and Gurmej Singh @ Pappi. On 30-08-2020 at around 6:30 pm, he alongwith his sons, his wife Gurdeesh Kaur, his nephew's wife Baby @ Amrit Kaur who was on the wheel, were coming back from a marriage function of Mukha Singh's son who is also the resident of same village. At around 6:40 pm when their car reached S.P. Dairy situated at Village Bhagwanpur itself, an Alto car bearing number PB-02-BJ-6538 and a Swift Dzire VDI white in colour, bearing number PB-02-DQ- 2639 stopped alongside complainant's vehicle. 6 persons got down from both the cars and one Balkar Singh s/o Pyara Singh, resident of Kala Bala started abusing his son Gurmej Singh @Pappi. One Avtar Singh s/o Bhupinder Singh, resident of Kotla Gujran raised a

lalkara that they will kill Gurmej Singh @Pappi today.

Consequently, two of their companions, namely Simrat Singh s/o Kuldeep Singh, resident of Batala and Surender Singh s/o Dalbir Singh, resident of Malhian Kalan attacked their car with

3. baseball bats, due to which complainant and his family members raised hue and cry. Then another one of their companions namely Baljit Singh s/o Bhagwan Singh, resident of Gumanpur, Amritsar took out a gun and fired at Gurmej Singh @ Pappi. As a consequence, he fell down. All the accused started fleeing from the spot when one Ranjit Singh s/o Balwinder Singh, resident of Jalalpur took gun from Baljit Singh and open fired at complainant and his family members but the gunshots missed them. Complainant's son died on their way to the Civil Hospital. He got his dead body deposited in civil hospital's mortuary and approached the police officials patrolling at bus stand. He further stated that this attack was a revenge for a past scuffle between Gurmej Singh @Pappi and Balkar Singh. Prayer was accordingly made to take legal action against the accused person. Statement of complainant was recorded to this effect and thereafter FIR was registered for the commission of offence punishable u/s 302/307/148/149 IPC, 27-54-59 Arms Act.

4. With these allegations, FIR in hand was registered against the accused-applicant and others.

5. Upon notice, Sh. Kiran Kumar, Ld. Addl. P.P appeared on behalf of the State, assisted by Sh. Karanjit Singh, Advocate, counsel for complainant.
6. Record has been produced.
7. Arguments heard.
8. Contention of Sh. Gaurav Mahajan, Advocate, counsel for the applicant/accused is that accused has been falsely implicated in the present case. Accused-applicant is in custody since long. Investigation is complete. Allegations against the accused are with regard to damage of vehicle only, but no car was recovered from the scene of occurrence. Car has been shown to be taken into custody lateron, but no mechanical report of that Car has been received. His contention is that allegations are matter of proof. Allegations levelled by complainant are vague and accused has been falsely implicated. He is neither knowing to deceased party nor to accused party. He was simply called by the Police to make interrogation with regard to some accident and thereafter, he has been falsely implicated. His contention is that trial of the case will take sufficient long time. So, prayer has been made that accused be released on regular bail.
9. On the other hand, this contention has been refuted by Sh. Kiran Kumar, Addl. PP for the State, assisted by Sh. Karanjit Singh, Advocate, who argued that in the present case, all the accused in order to commit the murder of Gurmej Singh alias Pappi, constituted unlawful assembly. Each accused acted in the

occurrence of the role attributed to them. Accused actively participated in the occurrence. He was having baseball which was hit by them on the car in which Gurmej Singh alias Pappy was travelling. Thereafter, Baljit Singh gave fire shot injury from his Pistol because of which, Gurmej Singh alias Pappy died. Length of custody is not a criteria to grant bail in a case where serious offence is involved. Accused party can pressurize the witnesses of prosecution. In these circumstances, no case for bail is made out. So, prayer has been made that application be dismissed.

10. Submissions have been considered and file has been minutely scrutinized by me.

11. In the present case, allegations against the accused are with regard to murder of Gurmej Singh alias Pappy, who was killed by giving fire shot injury by co-accused Baljit Singh of the accused-applicant. Active role is attributed to the accused-applicant Simrat Singh, as he gave baseball blow on the Car in which deceased was travelling. Every person acts in a case of murder as per role attributed to him. It is established on file that accused was member of unlawful assembly which was armed with deadly weapons.

12. Accused is being tried for a serious offence punishable under Section 302 IPC.

13. After taking into consideration the gravity of offence involved, this Court finds that no case for grant of regular bail is

made out. Hence, regular bail moved by the accused-applicant stands dismissed.

14. The observations made above would have no bearing on the merits of the case.

15. File of bail application be attached with the main challan pending for 05.02.2021.

Pronounced
Dated:-04.02.2021

(K.K.Singla)
Addl. Sessions Judge,
Gurdaspur
UID No. PB 0197

Sanjeev Kumar, Stenographer-I

Present:- Sh. Gaurav Mahajan/Mohit Mahajan, Advocates, counsel for applicant/accused.

Sh. Kiran Kumar, Addl. PP for the State, assisted by Sh. Karanjit Singh, Advocate.

Arguments heard. Vide my separate detailed order announced today, the present bail application has been dismissed.

File of bail application be attached with the main case, which is pending for 05.02.2021.

Pronounced
Dated:-04.02.2021

(K.K.Singla)
Addl. Sessions Judge,
Gurdaspur
UID No. PB 0197

Sanjeev Kumar,
Stenographer-I