

**IN THE COURT OF KAWALJIT SINGH,
ADDITIONA SESSIONS JUDGE, TARN TARAN.
(UID Number PB0155)**

Case Type	BA
Filing Number	5390/2023 Filing Date: 06.10.2023
Case Number	3021/2023 Registration Date: 07.10.2023
Case Code	PBTT0100-6193-2023
Date of Order	20.10.2023

Jasbir Singh alias Fauji, son of Mukhtiar Singh, resident of village Kila Kavi Santokh Singh, Tehsil and District, Tarn Taran.

...Applicant/accused

Versus
State of Punjab

...Respondent

FIR No.227 dated 04.08.2020
Under Section 302, 307, 341, 120-B, 148, 149 of IPC and Sections 25, 27
of Arms Act
Police Station, City Tarn Taran

BAIL APPLICATION UNDER SECTION 439 OF Cr.P.C.

Present: Shri Namit Singh Mehta, counsel for the applicant
Shri Gurpreet Singh Rana, Additional P.P. for State

ORDER

Applicant/accused has filed the instant bail application under Section 439 Cr.P.C., to seek regular bail in the above noted case.

2. In brief fact of the case are that on 4.08.2020 Sub Inspector Manmohan Singh, along with his police party, was on patrolling in the area of Civil Hospital Tarn Taran where one Paramjit Singh got recorded his statement with him to the effect that he is an agriculturist. His son Sukhchain Singh also works with him and runs medical store at the bus stand of their village. On 3.08.2020 one Jasbir Singh alias Fauji prepared a video of his son and uploaded the same with an intention to defame them. In the evening they called Panchayat and inquired from Jasbir Singh who got angry and started abusing them. Sarpanch Kulbir Singh got the dispute compromised and thereafter they came to their house. On 4.08.2020 around 12 noon he along with his son Sukhchain Singh and

Gurpreet Singh were returning from their fields and when they reached near Gurudwara Kila Kawi Santokh Singh then Gurjit Singh, Jaskirat Kaur, Charanjit Kaur and Rajinder Singh were found standing there. They all stopped their way and started abusing them. Gurjit Singh and Rajinder Singh raised lalkara to teach a lesson to them for calling them in the Panchayat. Jaskirat Kaur went to her house and brought licensed gun 12 bore of her father and called her uncle namely Jaspal Singh and father Jasbir Singh to end the daily dispute. Jasbir Singh and Jaspal Singh also came on the roof and Jasbir Singh with his gun fire two gunshots due to which his son Sukhchain Singh fell down. He (Paramjit Singh) raised hue and cry whereupon Jaspal Singh fired gunshot due to which Gurpreet Singh was also injured. His (Paramjit Singh) brother Swaran Singh and many other persons came there whereupon assailants fled from the spot. After arranging the vehicle they took both the injured to Civil Hospital, Tarn Taran where doctor declared Sukhchain Singh dead and Gurpreet Singh was under treatment.

3. It is submitted by the learned counsel for the applicant/accused that applicant/accused is innocent and is falsely involved in the present case and he has not committed any offence but despite him being innocent he has been wrongly dragged in the present case. No such occurrence as alleged in the FIR as took place as wrong facts have been mentioned by concocting wrong story and real facts have not been disclosed by the complainant. It is submitted that in fact deceased used to harass, humiliate and tease daughter of applicant/accused. In this regard applicant/accused had moved complaints to higher authorities but police officials were not taking any action. Moreover deceased indulged in antisocial activities and number of cases

were also registered against him and he also used to sell drugs in the locality on his medical store and when applicant/accused raised his voice against the illegal activities of deceased then he along with his associates attacked the house of applicant/accused in order to murder him and his family members on the day of occurrence but police officials have conducted biased investigation and have not brought real facts as police officials are hand in gloves with drug paddlers who use to sell narcotics in the locality. It is also worthwhile to mention here that numbers of FIRs were registered against deceased under various sections in different police stations. There is no evidence on the record connect the applicant/accused with the occurrence as alleged in the FIR. Nothing was recovered from the possession of accused. Conclusion of the trial is also going to take considerable long period of time and prayed that applicant/accused may kindly be released on regular bail.

4. On the other hand it is argued by the learned Additional Public Prosecutor for the State that applicant/accused has committed the murder of Sukhchain Singh and as such, he is not entitled for the concession of bail and in case. It is submitted that also if released on bail there is every possibility that the applicant/accused will threaten the prosecution witnesses which will not be conducive for fair trial. It has further been submitted by the learned counsel for the State that there are specific allegations against the applicant/accused. Thus keeping in view the nature and gravity of offence committed by the applicant/accused he does not deserve the concession of bail and prayed for the dismissal of the present bail application filed by the applicant/accused.

5. I have considered the rival contentions of both the parties and without expressing any opinion on the merits of the case, on careful

perusal of the contents of the FIR, investigation conducted, coupled with due assistance rendered and keeping in view the nature of offence committed, this court does not find any merit in the submissions put forth by the learned defence counsel. Perusal of the FIR show that there are specific allegations raised by the complainant/eye witness against the applicant/accused to be the main accused behind the murder of his son namely Sukhchain Singh. It is the applicant/accused how had fired direct gunshot on deceased which hit on the upper part of the body of deceased and proved fatal. Applicant/accused has committed this grave and heinous crime of murder. Mere fact that the applicant/accused is in custody is not an extenuating ground to allow him bail. Keeping in view the heinous nature of the offence and seriousness of allegations against the applicant/accused, no ground for grant of bail is made out. Hence, the instant application for regular bail, being bereft of any substance, is hereby dismissed. File be attached with the main file.

Announced: 20.10.2023

**Kawaljit Singh,
Additional Sessions Judge,
Tarn Taran.
UID Number PB0155**

Lovepreet, Stenographer Grade-II