

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37521-2024
Reserved on: 08.11.2024
Pronounced on: 19.11.2024

Amandeep Jethi ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. J.S. Dadwal, Advocate,
for the petitioner.

Ms. Swati Batra, DAG, Punjab.

Mr. Sohrab Danda, Advocate,
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
36	21.02.2023	Sadar Kharar, District SAS Nagar	304, 323, 341, 427, 148, 149 IPC and Sections 25, 54, 59 of Arms Act (Section 302 IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 of CrPC, 1973, seeking regular bail.
2. In paragraph 21 of the bail petition and as per para 15 of the Status report/custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	134	14.06.2022	399, 402, 201 IPC, 25 of Arms Act	Focal Point Ludhi- ana
2.	249	09.10.2022	473 IPC, 21, 21-B, 21-C, 25, 29 of NDPS Act	STF, SAS Nagar
3.	254	11.10.2022	473 IPC, 21, 21C, 25, 29 of NDPS Act	STF, SAS Nagar
4.	263	15.10.2022	18, 20, 21, 29 of NDPS Act	STF, SAS Nagar
5.	62	02.04.2023	21, 29 of NDPS Act	Sadar Ludhiana
6.	377	07.12.2023	21, 21C, 29 of NDPS Act	STF, SAS Nagar
7.	3	25.01.2024	25 of Arms Act, 120-B IPC	SSOC, SAS Nagar
8.	45	14.03.2024	18, 20, 21, 22, 27-A, 29 of NDPS Act, 52-A Prison Act	STF SAS Nagar
9.	83	31.03.2024	174 IPC	STF, SAS Nagar

10.	238	03.12.2011	420, 467, 468, 471, 472 IPC	Jodhewal	
11.	335	22.07.2023	22 of NDPS Act	Division (Vardhman)	No.7

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“3. That with regard to the subject matter of the present petition, it is submitted that case/FIR No.36 dated 21.02.2023 u/s 304, 341, 427, 148, 149, 323 IPC (Section 25-54-59 of Arms Act added vide case diary no.12 dated 02.04.2023 and Section 302 IPC added vide case diary no. 31 dated 31-05-2023) was registered at PS Kharar, District SAS Nagar against Sagar Nahar, Parminder Singh, Kulvir Sarao, Prince @ Tarandeep Singh and 5 unknown persons on the statement of complainant Charanjit Singh (father of deceased Babanpreet Singh) that his nephew Akashdeep Singh had called him in the intervening night of 14-15.02.2023 at about 12.00 AM to 12.30 AM and informed him that he and Babanpreet Singh (since deceased) were returning in their Baleno car bearing registration no. PB-23-Z-5367 from Chandigarh and when they were about to get over the Desu Majra flyover, then some boys had hit their aforesaid car with their car make Baleno colour white and had attacked him and Babanpreet Singh (since deceased) with deadly weapons after encircling them. Thereafter, when the complainant and his brother Jasvir Singh reached Desu Majra cut near flyover, his nephew Akashdeep Singh met them and informed that Babanpreet Singh (since deceased) was taken to Max Hospital, Phase-6, Mohali upon which, the complainant and his brother reached Max Hospital, Phase-6, Mohali, where the doctor informed about the death of Babanpreet Singh. The complainant as well as their entire family was under a great shock due to the death of Babanpreet Singh and on the statement of Akashdeep Singh the proceedings under Section 174 of Cr.P.C. were conducted by the police vide DDR No.17 dated 15.02.2023. The dead body of the deceased Babanpreet Singh was handed over to them after conducting the post-mortem.

Apart from the above, the spot was inspected, site plan was prepared, and the identification statements were recorded u/s 175 Cr.P.C. The form 25-35(1)(A) was prepared. It had been further alleged that Akashdeep Singh had told the complainant that he and the Babanpreet Singh (since deceased) went to PARA Club, near Alto Mall, Chandigarh on dated 14.02.2023 in the night wherein, the accused Sagar Nahar, Parminder

Singh, Kulvir Sarao, Prince and other 4/5 unknown persons had quarrelled and scuffled with them at PARA Club at that time and thereafter, all of them had followed their Baleno car and when they were about to get over the flyover from Desu Majra slip- road, then these accused had hit the side of their car with the car of Akashdeep and Babanpreet, as a result of which, their car got damaged badly and thereafter, they had forcibly encircled their car. Thereafter, the aforesaid accused alighted from their car and had pulled Babanpreet Singh (since deceased) from his car by opening the front side window and after that they started beating him and Akashdeep Singh and when these accused were about to kill Babanpreet Singh (since deceased), then Babanpreet Singh (since deceased) had started running on the other side of the road by saving himself from them and then these accused followed Babanpreet Singh (since deceased) and when these accused pushed Babanpreet Singh (since deceased), then as a result of this push, Babanpreet Singh (since deceased) had collided with Himachal Roadways Government bus bearing registration no.HP-53-B-7401 on the other side of the divider and the head of Babanpreet Singh (since deceased) hit the aforesaid bus. Thereafter, when the bus driver Arun Singh had alighted from the bus after stopping the same, then these boys ran away from the spot in their aforesaid car. Babanpreet Singh (since deceased) has died on account of the aforesaid beatings given to him by the aforesaid accused, who had forced him to collide with the aforesaid bus, while he was attempting to save him from them. The complainant further stated that the reason behind the rivalry is the dispute/fight that took place between Babanpreet Singh and the aforesaid accused person about 1½-2 years ago. Accordingly, appropriate legal action was sought against the aforesaid persons. Consequently, case/FIR No. 36 (supra) was registered, and the investigation commenced.”

4. The petitioner's counsel argued for bail and made many arguments, all of which are also mentioned in the bail petition, from para 6 to 7, which read as follows:

“6. That from the bare perusal of the FIR, it is alleged that on dated 14.02.2023 in the night the quarrel was took place, in the night club at Elante Mall, Chandigarh whereas the alleged occurrence shown at Dessu Majra slip road at Kharar. The story of the prosecution is unbelievable as one side it is alleged that he try to cross the road by running and the other side it is alleged that he was pushed and he hit with the bus.

7. That the petitioner has been falsely implicated in the present case. Infact, the petitioner has no link or concern with the allegations made in the FIR. Moreover, the petitioner is involved on the disclosure statement of the co-accused. Infact police is inimical towards petitioner as he is a General Secretary Congress Ludhiana since 2020 and before this he and his family were the worker of the congress party. And now the petitioner wants to contest the election of M.C at Janta Nagar, Ludhiana as he is having a good reputation in the locality and the ruling party continue pressurize to join the ruling party but as he denied and due to this under the pressure of the ruling party the name of the petitioner have been roped in the present false case and even also petitioner and his family implicated in multiple cases of NDPS and all are on the disclosure statement and the all cases are foisted upon the petitioner just to make him habitual offender.”

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

6. The complainant's counsel argued that the petitioner is a gangster and, if released on bail, will undoubtedly eliminate the witnesses, and the family members of the deceased shall be at grave risk. He further referred to the reply and submitted that the petitioner does not deserve bail.

7. The State's counsel opposes bail and refers to the status report.

8. It would be appropriate to refer to the following portions of the status report, which read as follows:

“4. That during the course of investigation, the spot was inspected, site plan was prepared, and the statements of witnesses were recorded under Section 161 Cr.P.C. The D.V.R of the CCTV cameras installed in the Para Club Centra Mall, Industry Area, Phase-1, Chandigarh was obtained from the Manager Kashmir Singh, which was taken into police possession, in accordance with law. The CCTV footage of J.J. Tower, Desu Majra, District Mohali was also obtained from the Manager Kulveer Singh, which was also taken into police possession, in accordance with law. The accused Kulvir Singh Sarao was arrested in the present case/FIR No. 36 (supra) on 05.03.2023, in accordance with law. Based upon the interrogation of accused Kulvir Singh Sarao, Jashan and Raman were nominated as

accused in the present case/FIR No. 36 (supra) vide Case Diary No.5 dated 05.03.2023. Efforts were made to arrest the remaining accused persons by conducting raids at their respective houses and other suspected places, however, they could not be arrested as they were evading their arrest and were on a run. Accordingly, secret sources were deputed to trace out their whereabouts.”

9. Sufficient digital, scientific, and ocular evidence connects the petitioner with the crime. A perusal of the bail petition and the documents attached prima facie points towards the petitioner’s involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.
10. The petitioner’s custody of around one year and six months cannot be termed prolonged, given the minimum sentence prescribed for the offense, which is life imprisonment.
11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
12. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

19.11.2024
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.