

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47012-2024
Reserved on: 06.11.2024
Pronounced on: 18.11.2024

Omkar Singh @ Danny @ Omkar Ram ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Bikramjeet Singh Jatana, Advocate and
Ms. Janmeet Kaur Jatana, Advocate,
for the petitioner.

Mr. Sukhdev Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
86	05.04.2024	Sadar Mansa, District Mansa	307, 427, 34 IPC and Section 25 of Arms Act (Section 120-B IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. As per paragraph 16 of the bail petition and as per the status report/custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	2	06.01.2020	22 of NDPS Act	City-1 Mansa
2.	86	28.06.2023	379-B IPC	City-1 Mansa
3.	50	12.04.2024	25 of Arms Act	City-1 Mansa
4.	66	04.04.2024	307, 511, 34 IPC	City-2 Mansa
5.	67	04.04.2024	307, 506, 427, 34 IPC	City-2 Mansa
6.	148	06.10.2010	61 of Excise Act	Lehra
7.	95	21.08.2015	21 of NDPS Act	GRP

3. The facts and allegations are being taken from para 4 of the bail petition, which reads as follows:

“4. That as per the alleged story of police in the FIR, police has received a secret information that accused Gurjinder Singh son of Balkaran Singh and

Omkar Singh @ Danny i.e. the petitioner who have carried out firing at the medical stores on 04.04.2024, they alongwith co-accused Jaspreet Singh and Lovepreet Singh sons of Buta Singh are roaming in car and can be present at the house of Gurjinder Singh. On which, Police has apprehended Gurjinder Singh from his house and recovered 12 bore pistol alongwith two cartridges and then on his disclosure reached at a road going from Mansa-Barnala road to village Malakpur Khiala and at the right side at a Kacha Path found one car in which three young man were sitting who on seeing the police party tried to fled away by starting their car.

It is further alleged that when SI Bikar Singh and Constable Gurwinder Singh tried to stop them then the petitioner who was sitting on conductor seat of car (left side) opened a fire towards police with the pistol in his right hand and the fire shot hit upon the bullet proof jacket of SI Bikar Singh, who made a counter fire towards the petitioner and fire hit upon the (right) hand of the petitioner which he had taken out from the window of car, due to which, pistol held in his hand also damaged and fell down. It is further alleged that thereafter police has apprehended all the three accused i.e. petitioner, car driver Lovepreet Singh and Jaspreet Singh."

4. 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.
5. The State's counsel opposes bail and refers to the status report.
6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"A. ROLE OF THE PETITIONER & EVIDENCE AGAINST THE PETITIONER: -

(ii) In the statement complainant SI Sukhjot Singh has stated that, "Today as per the orders of officers, I Sub-Inspector alongwith ASI Baljinder Singh 277/ Mansa, ASI Bikar Singh 17/ Mansa, ASI Pal Singh 751/ Mansa, ASI Sukhjot Singh 294/Mansa, ASI Gurpreet Singh 914/ Mansa, Constable Surinderpal Singh 962/Mansa, constable Hakam Singh 1107/Mansa, Constable Gurpreet Singh 207/Mansa, Senior Constable Sukhwinder Singh 1144/Mansa, Senior Constable Amarjit Singh 1265/Mansa, Senior Constable Balkar Singh 1062/Mansa, SI Ramesh Kumar 38/Mansa, riding on Government Vehicle and private vehicle were present at Thuthianwali

Kenchian (Chowk), Mansa with regard to investigation of FIR No.66, dated 04.04.2024, U/s 307, 511, 34 of IPC, 25, 27 of Arms Act, Police Station City-2, Mansa, FIR No.67 dated 04.04.2024, under sections 307, 506, 427, 34 of IPC, 25, 27 of Arms Act, Police Station City-2 Mansa and secret informer had given the information to me that firing which was carried out yesterday at medical stores in City Mansa, said firing was carried out by Gurjinder Singh son of Balkaran Singh, resident of Bhaini Bagha and Omkar Singh @ Danny (Petitioner) son of Ramkrishan resident of Mansa, who are of criminal background and Motorcycles to them were provided by Jaspreet Singh, Lovepreet Singh sons of Butta Singh, residents of Mansa Khurd. Later on also he had taken them on car bearing no.PB-01B-7094 Make i10. All of them are very clever and all of them are roaming in this car. They can be present at the house of Gurjinder Singh. Separate parties have been constituted and first Gurjinder Singh was apprehended and pistol .12 bore alongwith 2 cartridges of .12 bore were recovered from him and on the basis of disclosure made by him and through our sources, we reached at the rough (Kachha) path going from ITI Barnala Mansa road to village Malakpur Khiala and ahead of this at the right hand side, towards southern direction at the Kaccha path near the wild acacia trees there were in the above mentioned car three young boys, one was sitting at the driver seat, another one was sitting at the conductor seat and last one was sitting at the back side seat in the above mentioned numbered car, who on seeing the vehicles of police party, immediately started their vehicle and tried to abscond away. When ASI Bikar Singh 17/Mansa and Constable Gurwinder Singh 587/Mansa who were wearing bullet proof jackets tried to stop them then the person sitting on the conductor seat whose name later on came to know as Omkar Singh @ Danny (Petitioner) son of Ram Krishan resident of Ward no.11, Mansa, fired a shot with his armed pistol towards SI Bikar Singh with intention to kill him which hit upon his Bullet Proof Jacket at the chest, on which ASI Bikar Singh considering the situation at the spot and to save himself gave a counter fire with his service pistol .9 MM towards the person firing who was having his hand outside the window of car, due to which fire hit upon his right hand in which he has held the pistol, due to which pistol held in his hand has also damaged and fell down and conductor seat mirror has also damaged. During this stampede the accused already apprehended Gurjinder Singh and car driver Lovepreet Singh and Omkar Singh @ Danny (petitioner) sitting on the conductor seat sustained injuries and Jaspreet

Singh son of Buta Singh resident of Mansa Khurd above tried to run away who were apprehended. Omkar Singh @ Danny (Petitioner), Gurjinder Singh, Lovepreet Singh and Jaspreet Singh, were apprehended, as per law. After giving first aid to Omkar Singh @ Danny, Gurjinder Singh, Lovepreet Singh and after proceeding from the spot, they have been admitted in Civil Hospital, Mansa and above mentioned numbered car used in the occurrence at the spot has been taken through Senior Constable Sukhwinder Singh 1144/ Mansa for thorough checking where Jaspreet Singh who has not suffered any injury, has been produced before you, you have arrested as per procedure. Recovered weapons also handed over to you, which you have taken into police possession alongwith vehicle vide memo. You alongwith companions met at Civil Hospital, Mansa. Statement recorded to you, heard, which is correct.

(ii) After recording the statement of the complainant, IO/ASI Gurtej Singh No.572/Bathinda had arrested the accused person namely Jaspreet Singh and on the basis of ruqa sent by the IO, at Police Station Sadar Mansa, present case/FIR was registered against all the above named accused persons including the petitioner. During the checking of the above mentioned i10 car, 02 smart phones i.e. one mobile phone Apple 13 Pro of sky color and another mobile phone make VIVO of silver color were recovered from inside the mats of the car and from the dashboard of the car one RC was recovered. As per the RC the car was found registered in the name of Kuldeep Singh son of Lachman Singh resident of Deluana, District Mansa. Thereafter, above mentioned mobile phones and RC of the car were taken into police possession vide memo of recovery. On the demarcation of the complainant SI Sukhjot Singh, spot of occurrence was inspected by the IO. During the spot inspection 02 empty cartridge shell 7.65 mm and 02 empty cartridge shells 9 mm were recovered, after checking them, same were taken into police possession vide memo. On the demarcation of complainant SI Sukhjot Singh, rough site map was prepared and statements of witnesses were recorded.

(iv) After discharge of accused Lovepreet Singh from Civil Hospital Mansa, he was arrested by the IO, in the present case, on 06.04.2024. Thereafter, Petitioner Omkar Singh @ Danny was arrested on 16.04.2024. However, accused Gurjinder Singh arrested by Incharge CIA Staff Mansa on 05.04.2024, in respect of case/FIR No.66 Dated 04.04.2024, Under Section 307, 511, 34 IPC and 25 Arms Act, registered at Police Station City-2 Mansa, District Mansa, as such, he was in police custody at the time of

occurrence in respect of the present case/FIR. However, his name was erroneously mentioned in the police proceedings of the present case/FIR, as such, his name was struck off from the present case/FIR, vide DDR No.25, Dated 17.04.2024.

(v) During the investigation from accused Jaspreet Singh, it was disclosed by him that his brother Lovepreet Singh was having deep friendship with Gurjinder Singh resident of Bhaini-Bagha, as such, he often used to visit their house. He was knowing that his brother is having relations with Jassi Pancher. His brother has told him many a times that Jassi Pancher is having much sway in their city. Jassi Pancher has told Gurjinder Singh to keep their pressure on the residents of city Mansa. On which, his brother etc. on the asking of Jassi Pancher has fired on the Mansa Medical Hall and Ashwani Medical Hall. On which, Jassi Pancher alias Jasdev Singh son of Ram Partap resident of Ward No.2 Mansa, District Mansa, was nominated as accused in the present case/FIR for the offence under section 120-B IPC, vide DDR No.24, Dated 23.04.2024. After bring the accused Jassi Pancher alias Jasdev Singh on production warrants, his arrest was affected in the present case, on 15.05.2024.

(vi) The weapons recovered in the present case were sent to the FSL for the purpose of analysis and report. Report of which is still awaited. After completion of investigation qua the above named accused persons including the petitioner, challan against all the accused persons was presented before the Ld. Court of Illaqa Magistrate Mansa on 02.07.2024. On 23.10.2024, trial of the case was committed as Sessions Trial. There are total 16 PW(s) in the present case, who will be examined at the time of evidence of prosecution. Now the trial of the case is pending for 05.11.2024 for framing of charges against the accused persons.”

7. There are specific allegations of the petitioner firing upon the police party, and given the gravity of the offense, the petitioner is not entitled to bail.

8. The petitioner has massive criminal antecedents, which point towards recidivism, putting society at risk and he is the person, who did firing.

9. 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. Regarding the trial delay, the petitioner’s custody is 6 months, which cannot be termed prolonged.
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

18.11.2024
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.