

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62612-2024
Reserved on: 05.02.2025
Pronounced on: 17.02.2025

Sajan ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. M.S. Saini, Advocate
for the petitioner.

Mr. Akshay Kumar, A.A.G, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
175	13.07.2023	Kotwali	160, 302, 323, 324, 148, 149, 120-B, 186, 353, 332 IPC and 42 of Prison Act

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

2. As per paragraph 9 of the bail application, petitioner is not involved in any other FIR. However, as per status report dated 04.02.2025, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	178 (convicted)	18.11.2011	302, 34 IPC	Division No. 8, Jalandhar
2.	200	05.11.2024	52-A Prison Act	Kotwali, District Kapurthala
3.	47	15.04.2018	21-65-85 NDPS Act	Dasua, District Hoshiarpur

3. The facts and allegations are taken from paras 3 to 5 of the status report, which reads as follows:

“3. That it is respectfully submitted that the present case bearing FIR No.175 dated 13.07.2023 (P-1) under 'Sections 160, 302, 303, 323, 324, 325, 326, 332, 186, 353, 148, 149, 120-B IPC and Section 42 Prison Act, was registered at Police Station Kotwali, District Kapurthala on the

complaint of Hemant Sharma, the then Additional Superintendent, Central Jail, Kapurthala against 22 prisoners including the present petitioner i.e., reflecting at Sr. No. 9. Prisoner Sajan son of Ashok Kumar PID 278188 resident of House no. 660/6, Lama Pind Police Station Division 8 Jalandhar, who was already confined in the jail in case FIR no. 47 dated 15.04.2018 u/s 21-65-85 NDPS Act, Police Station Dasua, District Hoshiarpur and in other different cases. (Room no. 9 of Barrack no. 6)

4. That after the registration of the above said FIR, thorough investigation was conducted and from the footage of the CCTV cameras at the spot, it has transpired that on 13.07.2023 at about 7.30 AM, about 30-35 inmates in collusion with each other gathered at Phase-2 gate from their barracks, at Central Jail Kapurthala, out of which 31 prisoners have already been identified, out of whom, some of the inmates had weapons and some were empty handed. That 21 inmates crossed the gate of Phase-2 and proceeded towards security ward-E. On the way, on being stopped by the police and security forces, they scuffled with them as well. These prisoners entered the Ward No. 17 of the Security Ward - E and had gravely beaten Simranjit Singh @ Simar son of Resham Singh, and his 3 companions Surinder Singh @ Jimmy son of Mann Singh, Amanpreet Singh @ Sonu son of Sarabjit Singh and Varinder Pal Singh @ Raja were also beaten. And that Simranjit Singh @ Simar was seriously injured. The remaining 11 inmates along with about 7-8 unknown inmates stopped the police personnels from closing the gate of Phase-2, so that there is no disturbance to their fellow inmates while returning from security Ward-E after the incident.

The injuries were inflicted upon the deceased and injured prisoners with sharp edge Iron Weapon- Patti type on the head and other parts of Simranjit Singh. Subsequently during the treatment, the above said injured Simranjit succumbed to his injuries at Guru Nanak Medical College Amritsar on 13.07.2023 after which a case was registered and an investigation was carried out.

5. That during the investigation it was found that the present petitioner along with his other associates, inflicted injuries on the person of Simranjit Singh Simar in the jail premises with deadly weapons, who died later on during his treatment. The Petitioner, on 13.07.2023 at around 7:30 am along with his 35-36 associates, inflicted serious injuries on Simranjit Singh alias Simar r/o Dhirpur District Jalandhar, and his 03 other companions who were locked up in Ward no. 17 inside the jail due to an

old rivalry. The injuries were inflicted upon the deceased and injured prisoners with blows of a sharp iron weapon. During the treatment, the injured Simranjit succumbed to his injuries at Guru Nanak Medical Amritsar on 13.07.2023.”

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. Counsel further prayed for bail on the ground of parity with co-accused and refers orders dated 29.10.2024 passed in CRM-M-26177-2024, CRM-M-23453-2024, CRM-M-9758-2024, CRM-M-32855-2024, CRM-M-45779-2024, CRM-M-6467-2024 and CRM-M-45324-2024; order dated 28.11.2024 passed in CRM-M-50759-2024; order dated 22.01.2025 passed in CRM-M-58770-2024 and order dated 24.01.2025 passed in CRM-M-57021-2024 and CRM-M-61814-2024.
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 status report, which read as follows:

“8. xxx xxx

i. Role of the Petitioner and Evidence against the Petitioner

That it is respectfully submitted that from the final investigation proceedings and the Final Report, and from the CCTV camera footage, it was found that the present petitioner along with his other associates, inflicted injuries on the person of Simranjit Singh Simar in the jail premises with deadly weapons, who died later on during his treatment. That at the time of the incident, the Petitioner Sajan crossed the gate of Phase-2 with his fellow prisoners and went to Ward-E and beat up prisoner Simranjit Singh. The Petitioner, on 13.07.2023 at around 7:30 am along with his 35-36 associates, inflicted serious injuries on Simranjit Singh alias Simar r/o Dhirpur District Jalandhar and his 03 other companions who were locked up in Ward no. 17 inside the jail due to an old rivalry. During the treatment, the injured Simranjit succumbed to his injuries at Guru Nanak Medical College Amritsar on 13.07.2023. He had a clear motive to commit the crime and played an active role in carrying out the murder. The offence and the injuries inflicted are particularly serious and dangerous to life, as the murder was premeditated and carried out confines of the jail.

ii. Cause of Rivalry (Motive):

The cause for the rivalry is that the next to the village of Simranjit Singh @

Simar S/o Resham Singh R/o Dhirpur Police Station Kartarpur, District Jalandhar, is the village of co-accused Vijay Kumar S/o Dalvir Singh R/o Bhikha Nangal Police Station Kartarpur, District Jalandhar. With whom, he already had a dispute, due to which, Simranjit Singh and his brother Sukhwant Singh had beaten him up in the year 2019 and shot him in the leg, in this regard an FIR no. 20 dated 21.03.2019 U/s 307, 341, 506, 148, 149 IPC and u/s 25 of the Arms Act was registered on the statement of Vijay Kumar's father Dalbir Singh S/o Pyara Singh, R/o Bikha Nangal, at the PS Dhilwan, District Kapurthala. That Sandeep Singh @ Sathi S/o Boota Singh, who was close associate the said Vijay Kumar who was also beaten by the deceased Simranjit Singh and his Brother Sukhwant Singh along with some other associates, and Sandeep Singh @ Sabi had sustained serious injuries, whereupon, on the above statements of Sandeep Singh, an FIR no. 223 dated 29.09.2020 u/s 307, 323, 341, 506, 148, 149 IPC and u/s 3 & 4 of SC/ST Act was registered at the Police Station Kartarpur, District Kapurthala. Due to their ongoing rivalry in the aforementioned cases, about 5-6 days before the present incident when friend of Vijay Kumar, Ranjit Singh @ Raja resident of Chakhiara Police Station Adampur, District Jalandhar and Kamalpreet Singh @ Kamal S/o Inderjit Singh R/o of Daroli Police Station Adampur, District Jalandhar went to the hearing at Jalandhar, then at that time, the deceased Simranjit Singh @ Simar also went to the hearing, whereby he along with his brother Sukhwant Singh and other 10-15 associates had beaten up and inflicted injuries to Ranjit Singh Raja and Kamalpreet Singh @ Kamal in the Bakshi Khana of Court Complex during the hearing at Jalandhar. However, Ranjit Singh @ Raja and Kamalpreet Singh refused to take legal action against them, regarding which, Rapat No. 39 dated 06.07.2023 was registered in general dairy at Police Station New Baradari Police Station Commissionerate Jalandhar and on return to the Kapurthala Jail, Rapat was registered in general dairy as well. That is why, Vijay Kumar, S/o Dalvir Singh, R/o Bikha Nangal, Police Station Kartarpur, District Jalandhar, Sandeep Singh @ Sabi S/o Buta Singh, Kamalpreet Singh @ Kamal, S/o Inderjit Singh, R/o Daroli Kalan Police Station Adampur Jalandhar and Ranjit Singh @ Raja S/o Amarjit Singh R/o Chakhiara Police Station Adampur District Jalandhar along with their other inmates planned to beat Simranjit Singh @ Simar in jail and committed the present incident on 13.07.2023 by entering the security Ward-E with his associates Raj Kumar @ Raju S/o Vijay Kumar R/o Mohalla Raika, Police Station City Kapurthala,

*Sajan S/o Ashok R/o Street No-6 H. No.-660 Mohalla, Santokh Pura,
Village Lamma Pind Police Station Division number-8 District Jalandhar
and other accomplices.”*

REASONING:

7. The petitioner is not entitled to bail on parity with co-accused, namely, Kamaljit Singh @ Kamaljeet Singh @ Kanwar @ Sam, Lovepreet @ Love, Ashmandeep Singh, Tarsem Singh, Vikas Kalyan @ Nannu, Palwinder Singh @ Pindi, Sukhvir Singh, Balwinder Sharma, Sarabpreet Singh @ Sahil @ Billa, Gopal Kumar and Raj Kumar @ Raju for the reason that no injury was attributed to the co-accused. However, petitioner is one of the main accused and had also the motive. By any angle whatsoever, this Court looks at the matter for granting bail on the grounds of parity with co-accused, petitioner is not entitled to bail on parity.
8. A perusal of the bail petition and the documents attached prima facie points towards the petitioner’s involvement, his previous conduct as he is facing life imprisonment in another case 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.
9. The petitioner’s custody of around 01 year, 04 months and 12 days cannot be termed prolonged, given the minimum sentence prescribed which is death for Section 303 IPC which is one of the offence.
10. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
11. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

17.02.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.