

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19046-2016
DECIDED ON: July 13, 2016

AJIT SINGH

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Rajeev Sharma, Advocate,
for the petitioner.

Mr. RPS Sidhu, AAG, Punjab.

JASPAL SINGH, J.

This is a petition under Section 439 of the Code of Criminal Procedure preferred by Ajit Singh seeking regular bail, during the pendency of trial, in case FIR No. 125, dated 27.09.2014, under Sections 302, 201, 148, 149 IPC, Section 25/27 of the Arms Act and Section 3 (2 & 5) 4 of SC/ST Act, 1989, at Police Station Jamalpur, Ludhiana, Punjab (Annexure P-1).

2. It has been contended by learned counsel for the petitioner that criminal case bearing FIR No.162/2014, Police Station Macchiwara, Police District Khanna, Ludhiana, under Sections 307, 323, 324, 148 and 149 IPC was registered against deceased Harinder Singh @ Lalli etc. The petitioner, who has been working as Home Guard Volunteer with the Punjab Police was directed by

his senior officer to accompany the police party to the place of occurrence to arrest some criminals wanted in the above referred criminal case. At that time, he was neither the Incharge of the team nor he was leading to police party, who were going to arrest the criminals wanted in the aforesaid case. The petitioner simply obeyed the orders of his senior and accompanied the police party to the place of occurrence. On seeing the police party, Harinder Singh @ Lalli and his accomplice, who were present in the house and tried to fled away from the roof top. When they failed in their attempt, they scuffled with the police officials. Harinder Singh @ Lalli snatched the rifle from the petitioner, and tried to fire at the police officials for killing them with the snatched gun. At that time, the persons accompanying Harinder Singh @ Lalli started shouting and stopped him "not to fire shot from the gun", which is suggestive of the fact that Harinder Singh @ Lalli was trying to shot from the snatched gun but failed to open its lock. Meanwhile, the police officials managed to snatch back the gun from him. The aforesaid facts clearly suggests that Harinder Singh @ Lalli, if, managed to have open the lock of the gun, he would kill the police officials, who had gone to arrest him. It was only in defence, Gurjit Singh, who was a member of police party, fired from his licensed gun, which proved fatal to the deceased persons. In fact, the petitioner did not fire a single shot from his gun, which he was carrying despite the fact he was attacked by deceased-Harinder Singh @ Lalli. Even, Gurjit Singh had fired a shot in self-defence as well as the defence of the other members of police party. Moreover, petitioner is behind the bars for the last more than 01 year and 9 months. The witnesses, who have been examined by the prosecution did not support the case of prosecution. Even otherwise, large number of witnesses are yet to be examined, which is likely to take

sufficient long time to examine them and conclude the trial. In such circumstances, it would not be desirable to keep the petitioner behind the bars for an indefinite period.

3. Per contra, learned State counsel has submitted that there are serious and specific allegations that petitioner was having AK-47 rifle while accompanied with Gurjit Singh and others, who chopped off the lives of two young men. Neither the petitioner nor any other person accompanying him was wearing the police uniform at the time of conducting raid to arrest the deceased. Even otherwise, Gurjit Singh had nothing to do with the police and there is nothing on the record to show that why he was allowed to accompany the police party for conducting the raid or arresting the deceased, that too, while armed with fire-arm. The main accused are still at large and fleeing away from justice. The possibility of prevailing upon the witnesses who remain to be examined cannot be ruled out, in case, the petitioner is allowed bail.

4. This Court has given a deep thought to the rival submissions made by learned counsel for the parties and perused the records available.

5. Undoubtedly, police party, who is alleged to have conducted raid for the arrest of the deceased was not in police uniform, which was not only consisted of the police officials but also of private person(s), who were armed with fire arms. At this stage, nothing can be said that the members of the police party fired from the respective weapons in self-defence, especially in the circumstances that the deceased were not armed with any weapon. The story propounded by the accused or police that one of the deceased snatched AK-47 from the petitioner and tried to open an attack upon the members of the police

party does not appeal to reason at this stage but the act of the petitioner and the other members of the police party has resulted into the chopping of the life of two young real brothers. Moreover, the fact that criminal case was pending against the deceased does not give a right to the members of the police party and/or the private person to chop off their lives.

6. Taking into consideration the seriousness and gravity of offence complained of against the petitioner, this Court does not find any merit in the instant petition. As such, the same stands dismissed.

July 13, 2016
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(JASPAL SINGH)
JUDGE