

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42329-2017

Date of decision: 15.11.2017

Nirmaljit Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Raghav Gulati, Advocate and
Mr. Simranjeet Singh, Advocate
for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab.

Mr. Charanjit Singh Bakshi, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.0077 dated 07.09.2017 under Sections 302/120-B of the Indian Penal Code ('IPC' for short) and Section 25 of the Arms Act, registered at Police Station Banur, District Patiala (Now District SAS Nagar, Mohali).

Learned senior counsel for the petitioner submits that the FIR has been registered on the complaint made by Lovejot Singh with the allegations that on 06.09.2017 at about 9:30 PM, his uncle namely Daljit Singh went for a walk on Rajomajra Road. On asking of his aunt, the complainant went to call his uncle on his motorcycle and when he crossed the bridge and reached near

the house of a bajigar, one white coloured Endeavour car bearing registration No.CH-01-AH-5233 was already parked. His uncle was coming from the side of Rajomajra and when he reached near the car, then Amrit, Harsimrat and Deepu Khatik came out of the said vehicle, having revolvers in their hands and after abusing his uncle, started firing shots on him. It is also stated that 3/4 other unidentified persons were also accompanying them and one Gurkirat was sitting in the car. His uncle, in order to save him, started running towards the fields and accused persons raised 'lalkara' that whosoever will get into conflict with Nima (petitioner Nirmaljit Singh) and Sukha (brother of the petitioner namely Sukhjit Singh), will be taught a lesson like this. It is further alleged in the FIR that when the accused persons ran away from the spot with their respective weapons, the complainant informed his family members and took the injured to IVY Hospital, Mohali, where he was declared brought dead by the doctor. In the FIR, it is further alleged that the motive is that on various occasions, quarrel took place between his uncle and petitioner Nirmaljit Singh @ Nima and his brother. His aunt is presently a Municipal Councilor and all the MCs have removed Nirmaljit Singh (petitioner) from the post of President and wanted to elect her aunt Preeti Walia-widow of deceased Daljit Singh, as President and on that account, the petitioner was nursing a grudge against him.

It is submitted on behalf of the petitioner that the petitioner was not present at the spot and he has been falsely implicated on account of the political rivalry between the two parties. It is further submitted that on 06.09.2017 at 1:12 PM i.e. before the alleged occurrence, one of the accused Deepu Khatik @ Deepu Banur has posted on his facebook page, his photos showing guns and later on, on 16.09.2017, he again posted that he is member of Lawrence Bishnoi

Group, YFI Group and he has committed the crime and therefore, the petitioner has no role in the commission of crime.

Learned senior counsel for the petitioner has further submitted that as many as 04 FIRs were pending against deceased Daljit Singh and there is a possibility that on account of enmity, the petitioner has been falsely implicated. Learned senior counsel has also submitted that the petitioner being the President of Municipal Council, Banur is a public person and his photographs, with any of the co-accused in any public function, do not prove any conspiracy and the police, on the basis of posts made on the social networking sites and newspaper, is trying to rope in the petitioner, though there is no direct evidence against the petitioner.

On the other hand, learned State counsel, on instructions from ASI Mohan Singh as well as the learned counsel for the complainant have vehemently opposed the prayer for anticipatory bail. It is submitted by learned State counsel that the petitioner Nirmaljit Singh @ Nima and his brother-Sukha are involved in many FIRs and in one FIR No.60 dated 10.07.2003, the petitioner and his brother namely Sukha were convicted for causing injuries on the eye of the deceased. It is also submitted that the enmity between the petitioner, his brother on one side and the deceased on the other side is apparent on the record. It is further submitted that during the investigation, co-accused Gurkirat Singh was arrested and he has suffered a disclosure statement that he has committed the offence on asking of the petitioner. Learned State counsel has submitted that there are 23 injuries on the body of the deceased Daljit Singh, as per the post-mortem report, to show that he was murdered brutally.

Counsel for the complainant has submitted that the motive behind

the occurrence is given in the FIR itself that on account of dislodging the petitioner Nirmaljit Singh @ Nima from the post of President, Municipal Council, Banur, the deceased wanted his wife to be the President of Municipal Council, Banur and this was not acceptable to the petitioner. Counsel for the complainant has also shown a copy of the judgment dated 21.01.2012 passed by Judicial Magistrate 1st Class, Rajpura in FIR No.60, vide which petitioner along with his brothers Sukhjit Singh @ Sukha and one Resham Singh were convicted for causing injuries to the deceased Daljit Singh. Learned counsel for the complainant has also relied upon certain FIRs, in which the petitioner or his brother Sukhjit Singh @ Sukha are facing the trial. It is thus submitted that the petitioner has direct links with the other co-accused.

In view of the submissions made by counsel for the parties and considering the allegations levelled in the FIR and nature of offence which is punishable under Section 302 IPC, I do not find it to be a fit case to grant anticipatory bail to the petitioner, as his custodial interrogation is required.

Accordingly, this petition is dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

15.11.2017
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No