

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-13801 of 2020

Date of Decision: 11.06.2020

Jaspal Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal

Present: Mr. Sandeep Kumar Passi, Advocate
for the petitioner(s).

Mr. S.P.S.Tinna, Additional Advocate
General, Punjab for the respondent.

Anil Kshetarpal, J.

The petitioner prays for grant of pre-arrest bail in FIR No. 06 dated 06.01.2018, registered under Sections 302 & 120-B IPC (later on Section 201 IPC was added) and Sections 25 & 27 of the Arms Act, 1959 at Police Station City Tarn Taran, District Tarn Taran.

In a nutshell, the case of the prosecution is that on an engagement function, the petitioner, after having consumed alcohol, started firing with a pistol while dancing. One bullet from the pistol fired by the petitioner killed Amandeep Singh son of Bhupinder Singh. An FIR was registered under Sections 302/120-B IPC read with Sections 25 & 27 of the Arms Act, 1959. Thereafter, offence under Section 302 IPC was substituted with offence under Section 304 IPC. The petitioner applied for pre-arrest bail which was allowed by the learned Additional Sessions Judge, Tarn

Tarn on 03.05.2018. The father (first informant) of the deceased challenged

the aforesaid order before this Court by filing Criminal Misc. No M-21484 of 2018. Another petition i.e. Criminal Misc. No. M-21349 of 2018 was also filed for directing the police to conduct fair investigation. On 16.10.2019, while disposing of Criminal Misc. No. M-21349 of 2018, the following order was passed:

“The petitioner has challenged the order dated 03.05.2018 (Annexure P-3) whereby respondent No.2 was granted anticipatory bail.

Learned counsel for the petitioner contends that the FIR No.6 dated 06.01.2018 was registered under Sections 302 & 120-B IPC and Sections 25 & 27 of the Arms Act at Police Station City Tarn Taran. The Investigating Officer had later on deleted Section 302 IPC from the FIR and instead added Section 304 IPC. Respondent No.2 was granted anticipatory bail in the FIR for offences which included Section 304 IPC. The petitioner had preferred petition bearing CRM-M-21349-2018 for conducting fair investigation in the matter. This Court had directed the Additional Director General of Police (Crime) to enquire into the matter and file a status report. In the status report, it was stated that the investigation was not conducted by the then SHO in a fair manner. An FIR was registered against the then SHO and he had been arrested. He was also dismissed from service. An SIT was also constituted to enquire into the matter and offence under Section 302 IPC had been added.

Learned State counsel has filed the status report which

indicates that investigation has been completed and it has been recommended to file the final report under Section 173 Cr.P.C. for offence under Sections 302/120-B/201 IPC and Sections 25/27/54/59 of the Arms Act.

In view of the addition of Section 302 IPC in the FIR and deletion of Section 304 IPC, anticipatory bail granted to respondent No.2 shall no longer be in operation. The police shall be at liberty to arrest respondent No.2. It shall also be open to respondent No.2 to seek his remedy in accordance with law.

In view of the changed circumstances, no further orders are required to be passed in this case which stands disposed of.”

Pursuant to the investigation carried out by the Special Investigating Team, offence under Section 302 IPC was again added. The petitioner applied for pre-arrest bail before the learned Additional Sessions Judge which was dismissed.

Learned counsel for the petitioner contended that the petitioner remained on bail for a period of more than two years and he has never interfered either with the investigation of the case or alleged to have pressurized the first informant or the family of the deceased.

On the other hand learned counsel for the State, while drawing attention of this Court to the order dated 16.10.2019, has submitted that the petitioner has pulled all strings to manipulate the investigation and, therefore, not entitled to pre-arrest bail.

This Court has considered the submissions of the learned counsel for the parties and perused the documents produced. It is apparent that the allegations against the petitioner are serious. A valuable life has been lost. The evil of celebratory fire consumes a lot of lives. Therefore, all efforts must be made to curb such evil practice. It is the case of prosecution that the petitioner, after having consumed alcohol, started firing from pistol. In such circumstances, this Court is of the considered view that the petitioner does not deserve the concession of pre-arrest bail. Hence, the present petition is dismissed.

(Anil Kshetarpal)
Judge

June 11, 2020
“DK”

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No