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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-13942-2020 (O&M)
Date of Decision: 18.06.2020**

Swaranjit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Mandeep S.Sachdev, Advocate,
for the applicant-petitioner.

Mr. Ajay Pal Singh, DAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

CRM-12205-2020

Allowed as prayed for, subject to all just exceptions.

CRM-M-13942-2020

The instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking regular bail in case FIR No.58, dated 20.05.2019, under Sections 409, 201, 188 and 120-B of the IPC; (Sections 406, 302, 307, 420, 467, 468 and 109 of the IPC added later on) and Sections 27/54/59 of the Arms Act, 1959, registered at Police Station Division No.4, Jalandhar, District Jalandhar.

[2]. The FIR was originally drawn up under Sections 409, 201, 188 and 120-B of the IPC and Section 27 of the Arms Act. Subsequently, offences under Sections 406, 302, 307, 420, 467, 468 and 109 of the IPC and Sections 54 and 59 of the Arms Act were added. Substance of the FIR

was that one Manpreet Singh fired at a lady, namely Seema Tiwari from a revolver on 06.05.2019 on the second floor of the showroom “Lovely Autos”, where she was working as an employee. After shooting the said Seema Tiwari, her assailant Manpreet Singh shot himself in the head from the same revolver and died on the spot. The victim Seema Tiwari subsequently succumbed to the gun shot injury three days later.

[3]. The weapon of offence after its recovery was found to have been initially held under license by one Gurwinder Singh Kohli and thereafter through a chain of transactions ultimately was deposited with an establishment by the name of “Chacha Gun House”. The actual owner of the establishment, namely, Sandeep Singh was found to have gone to America since the year 2016. In his absence, the establishment was being run by Bikramjit Singh (Son of the Petitioner) and as also the petitioner himself. It transpired that the revolver in question was unauthorisedly handed over to the assailant Manpreet Singh by Bikramjit Singh in connivance with the petitioner. The petitioner as well as his son have since been apprehended and are in judicial custody, since 29.02.2020.

[4]. In the meantime, challan against them has already been submitted after completion of investigation.

[5]. The Ld. Court below in rejecting petitioner's bail petition vide its impugned order passed on 16.05.2020 (Annexure P-6), has observed that the revolver had been given to Manpreet Singh on payment of Rs.10,000/- and after hatching a conspiracy with him. The Ld. Court below had also not found it fit to consider the old age and physical afflictions/ailment being suffered by the petitioner while rejecting his prayer for bail.

[6]. This Court is, however, of the opinion that there is tangible

material to indicate that delivery of the revolver to Manpreet Singh was actually by the petitioner's son Bikramjit Singh and not the petitioner himself. So implicating the petitioner in the alleged conspiracy when clearly there is no indication that he even had any acquaintance with the deceased victim, much less any motive to get her killed, would appear to be far fetched. The Ld. Court below ought to have been conscious of the fact that the petitioner was never alleged to have been present or part of the occurrence when the gunshots by Manpreet Singh were actually fired, nor there is any definite material to show that delivery of the gun was made by him personally to Manpreet Singh. In such circumstances, considering that his further detention is not required in the interest of investigation and also in view of his old age and weak physical condition, he is thus, ordered to be released on regular bail, subject to the appropriate terms and conditions, which shall also include surrender of his Passport, to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

[7]. It is however clarified that the observations noted in this order will not have any effect of suggesting any parity in favour of the petitioner's son and co-accused Bikramjit Singh, whose case may be dealt with by the concerned Court independently on its own merits, if any similar application is moved on his behalf.

[8]. Disposed off.

18.06.2020

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No