

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

CRM-M No.17509 of 2020 (O&M)

Date of Decision : 02.12.2020

Bikramjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Mandeep S. Sachdev, Advocate
for the Petitioner.

Mr. Hittan Nehra, Addl. Advocate General, Punjab
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

CRM No.15025 of 2020

Allowed as prayed for.

CRM-M No.17509 of 2020

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.58, dated 20.05.2019, registered under Sections 406/420/467/468/201/188/120-B of the Indian Penal Code and Sections 27/54/59 of the Arms Act, 1959 (Challan not presented for offence under Section 409/302/307 of the IPC), at Police Station Divn. No.4 Jalandhar, District Jalandhar.

2. The Petitioner by now has remained in detention for more than 8 months since 29th February, 2020. In the meantime, investigation against

him has already been completed and Challan submitted.

3. Co-accused, namely Swaranjit Singh, who happens to be the own father of the Petitioner was granted Regular Bail by this Court in CRM-M No.13942 of 2020 on 18th June, 2020.

4. 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.

5. 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 the Petitioner and his father.

6. The revolver in question was unauthorizedly handed over to the assailant Manpreet Singh by the Petitioner temporarily for a consideration

amount of Rs.10,000/-. It was used by the said Manpreet Singh for killing the Victim Seema Tiwari after which he also shot himself in the head from the same revolver and died on the spot.

7. In the totality of the circumstances, it would therefore appear that the Petitioner undoubtedly acted most irresponsibly in passing on a lethal weapon even though temporarily to the deceased/accused-Manpreet Singh. But the fact that after killing the lady Seema Tiwari the assailant Manpreet Singh then killed himself with the same revolver would go to indicate that *prima facie* intention of the Petitioner could not have been to actually have the murder of Seema Tiwari caused since there is otherwise little material to indicate that he had any kind of acquaintance with her, and also the fact that he had taken an amount of Rs.10,000/- from Manpreet Singh in lending the weapon would also go to reveal his callousness though not necessarily any *mens rea* with a view to commission of an offence under Section 302 of the IPC.

8. In such circumstances and considering the fact that trial in the case which has not yet started is likely to take its own substantial time to conclude in view of the on-going Covid-19 Pandemic, at this stage, this Court is of the opinion that further detention of the Petitioner for an indefinite period is not called for. As such, he is ordered to be released on bail subject to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

9. The Ld. Trial Court shall however proceed with the trial in

accordance with law and pass its final Judgment thereafter, without being influenced by any of the observations made in this order.

10. Disposed off.

December 02, 2020
Dpr

(SUDIP AHLUWALIA)
JUDGE

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