

201/3 CRM-M-20325 of 2020
Gurvinder Singh v. State of Punjab

2) CRM-M-22926 of 2020
Gurpreet Singh @ Ford v. State of Punjab

3) CRM-M-22968 of 2020
Amritpal Singh @ Amrita v. State of Punjab

Present: Mr. Sunil Chadha, Senior Advocate, with
Mr. Akshay Chadha, Advocate,
for the petitioner (s).

Mr. Naresh Prabhakar, Advocate,
for the complainant.

Mr. Saurav Khurana, DAG, Punjab

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

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On 24.07.2020, the following order had been passed:-

“All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, filed under the provisions of Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, upon FIR No.13, dated 19.03.2020, having been registered at Police Station Sudhar, District Ludhiana Rural, against him, alleging therein the commission of offences punishable under Sections 307, 506, 148 and 149 read with Section 120-B of the IPC and Sections 25 and 27 of the Arms Act, 1959.

Mr. Sunil Chadha, learned Senior Counsel appearing for the petitioner, points to the order passed by the learned Addl. Sessions Judge in the case of a co-accused (copy Annexure P-2), to submit

that at least two of the persons who were named in the FIR by the complainant were not found to be present at the spot but in Nanded at that time, as per their boarding passes and documents that were produced. He therefore submits that the version given by the complainant cannot be believed and in any case as regards those who are allegedly attributed gun shot injuries, one of them is already in custody.

Notice of motion, with Mr. V.G. Jauhar, learned DAG, Punjab, accepting notice on behalf of the respondent-State, with him having received instructions and Mr. Naresh Parbhakar, Advocate, appearing for the complainant.

Though both the counsel vehemently oppose granting of anticipatory bail to the petitioner, with Mr. Parbhakar submitting that the petitioner in any case has not been found to be in Nanded at that time and it was his car from which the others alighted, the very fact that two persons were named, who eventually were not found to be present at the spot (as per the investigation carried out so far), the complete version given by the complainant in the FIR is naturally put a question mark to.

In view of the above, the petitioner is directed to join investigation and upon doing so, in case he is sought to be arrested, he would be admitted to interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaqa Magistrate. He shall abide by the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Illaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

A gazetted officer is directed to file a reply giving therein the details of the investigation carried out so far, with him to also state as to whether the boarding passes were also produced by those who claimed that they were in Nanded at the time of the occurrence.

Adjourned to 14.08.2020.”

Thereafter, on 18.08.2020 a reply of the DSP, Dakha, have been filed, Mr. Chadha points to paragraph 5, which reads as follows:-

“That during investigation copies of tickets and boarding pass of accused Narang Singh, accused Rajwinder Singh have been collected. Statement of Manager Jio Airline International, Manager Air India Airline and Manager Vistara Airline have been recorded U/s 161 Cr.P.C. to prove the authenticity of Air Tickets and Boarding Pass. The statements of Managers regarding travel of Rajwinder Singh and Narang Singh are annexed as Annexures R-1/T, R-2/T and R-3/T.”

Learned senior counsel therefore submits that two of the persons who are alleged to have alighted from the car allegedly driven by the petitioner, having been found to be actually in Nanded (Maharashtra), on the date of occurrence, it is obvious that the petitioner and his co-accused are also being roped in by the complainant for no reason.

Mr. Chadha further submits that it would be very strange that 14 people are alleged to have reached the spot to allegedly kill the complainant, but with him having escaped with only two fire arm injuries on non-vital parts of the body, and with him having thereafter got the FIR recorded more than 24 hours later, especially when his wife is the Sarpanch of the village.

He further submits that other than reaching on the spot in a car, no other role is attributed to the petitioner.

Mr. Prabhakar, learned counsel appearing for the complainant, submits that simply because the complainant may have erroneously/wrongly named two persons who were actually found to be in Maharashtra on that date, does not mean that everybody else has also been falsely roped in.

However, neither he nor learned State counsel could deny that other than driving the car to the spot (as alleged), no other role has been attributed to the petitioner.

That being so, with the complainant obviously having been caught on the wrong foot as regards two other persons who were alleged to have alighted from the car, without making any further comment on the actual merits of the case, I would see no reason as to why that the order passed in favour of the petitioner be not confirmed.

Consequently, the order admitting the petitioner to interim bail on 24.07.2020, is made absolute on the same terms and conditions, with the petition thereby being allowed.

CRM-M-22968 of 2020

By this petition, the petitioner (Amritpal Singh) seeks to be admitted to bail under the provisions of Section 439 of the Cr.P.C., in the same FIR.

Mr. Chadha submits that though undoubtedly this petitioner, i.e. Amritpal Singh @ Amrita, has been attributed a role of having fired at the complainant after allegedly snatching the pistol from his co-accused Gagandeep Singh @ Nonna, the said shot is stated to have hit the hand of the complainant; and firstly of course whether or not any pistol could have been snatched by a person from another to shoot someone is a matter of debate; and further, in any case the petitioner has put in about 5 months of actual custody with the trial still not underway, i.e. only a report under Section 173 of the Cr.P.C. has been submitted as yet.

He further submits that due to the current pandemic no effective proceedings are taking place at all before the trial court and consequently, on

that ground alone, the petitioner deserves to be admitted to bail.

Mr. Prabhakar, learned counsel appearing for the complainant, however submits that the petitioner having been actually attributed an active role of having shot at the complainant and having injured him on his hand, it was just providential that the shot was only received on the hand whereas it could have been on any other vital part of the body also.

He also submits that there are 7 other criminal cases registered against the petitioner, though Mr. Chadha has pointed out that in most of the cases that he was acquitted or was found innocent.

Learned counsel for the State also reiterates the same and opposes the petitioner being admitted to bail.

Having considered the matter, at this stage since the petitioner has already put in 5 months of actual custody with the trial not progressing due to the current pandemic, it is considered to appropriate to admit the petitioner to interim bail upon him furnishing adequate bail and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

Ordered accordingly, till the next date of hearing.

Adjourned to 04.12.2020.

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Mr. Chadha submits that against the petitioner in this case, i.e. Gurpreet Singh @ Ford, the only allegation is that he too came to the spot on a motorcycle, with him also having been in custody since 27.04.2020, with the trial obviously at the same stage.

Consequently, again without making any comment on the actual merits of the case, the petitioner is ordered to be admitted to interim bail upon

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him furnishing adequate bail and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate concerned, till the next date of hearing.

A photocopy of this order be placed on the file of the other connected cases.

September 02, 2020
dinesh

(AMOL RATTAN SINGH)
JUDGE