

201 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-27594-2020
Date of Decision: 25.11.2020

ANGREJ SINGH ... PETITIONER
VS.
STATE OF PUNJAB .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Manjinder Singh Saini, Advocate, for the petitioner.

Mr. H.S.Grewal, Additional Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

In the instant case, the petitioner is seeking regular bail in case FIR No. 0012 dated 15.02.2020 registered at Police Station Mamdot, District Ferozepur.

Briefly, as per the version of the prosecution, on 15.02.2020, a police party headed by ASI Sukhdev Raj had arrested Jarman Singh @ Darshan Singh and Harmeet Singh accused in case FIR No.76 dated 08.07.2017 under Sections 307/379/323/324/325/326/148/149 IPC and 25 and 27 of the Arms Act registered at Police Station, Lakho Ke Behram and after effecting their arrest, the police party was proceedings towards CIA Staff, Ferozepur. When they reached in front of main gate of BSF on FF Road, two cars came from behind. The petitioner alongwith 2-3 unidentified persons were travelling in one car and 4-5 unidentified persons were travelling in another car. The police vehicle was stopped and the persons who were travelling in the two cars got released Jarman Singh @ Darshan Singh and Harmeet Singh accused and had also fired gun shots towards the

police party, but the police party succeeded to save themselves. The accused ran away from the spot in the vehicles.

It has been contended by learned counsel for the petitioner that there is no allegation with regard to firing of gun shots in the FIR and the same has been registered on the basis of statement of police official, namely, ASI Sukhdev Raj. Furthermore, the version of the prosecution sounds to be improbable as the alleged occurrence took place outside the gate of BSF Complex. It has been further argued that on account of enmity, the police officials have falsely implicated the petitioner. Moreover, the investigation of the case is complete and challan has been presented in the Court.

On the contrary, it has been pointed out by learned State counsel that the allegations with regard to firing of gun shots have emerged in the supplementary statement which has been recorded shortly after the occurrence. Moreover, the supplementary challan will be presented against the co-accused after effecting their arrest. He further contends that there are three other cases pending against the petitioner.

On 27.10.2020, a query was raised as to whether Jarman Singh @ Darshan Singh and Harmeet Singh whose escape has been facilitated by the petitioner and others have been arrested or not.

Learned State counsel, on instructions from SI Sukhwinder Singh, has pointed out that Jarman Singh @ Darshan Singh and Harmeet Singh are still at large and their arrest is yet to be effected.

In the case in hand, there are serious allegations levelled against the petitioner and the co-accused. They had waylaid a police party carrying the accused with them and had fired gun shots upon them. They

had facilitated the escape of two persons who were in the custody of the police. The arrest of both the persons whose escape was facilitated by the petitioner from the police custody has not yet been effected and they are still at large which aggravates the gravity of allegations against them. Though, it is a case of no injury, but there are specific allegations with regard to firing upon the police party in order to facilitate the escape of two persons in custody of the police party. It will be too early to conclude that the prosecution version is improbable or the petitioner has been falsely implicated by the police officials on account of enmity. Merely because the allegations of firing gun shots have not been mentioned in the FIR, it cannot be termed to be a circumstance to dispute the genuineness of prosecution version at this stage. The FIR cannot be said to be encyclopedia of entire events. The allegations with regard to firing of gun shots have emerged in the supplementary statement of the complainant.

Keeping in view of the entire circumstances, no ground is made out to extend the concession of bail to the petitioner.

Dismissed.

25.11.2020
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No