

CRM-M No. 26253 of 2019
CRM-M No. 27568 of 2019
CRM-M No. 28859 of 2019
CRM-M No. 54089 of 2019

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

204

**Date of Decision: 14.1.2020
CRM-M No. 26253 of 2019**

Gulzar Singh and others

.....Petitioners

Vs

State of Punjab

.....Respondent

CRM-M No. 27568 of 2019

Major Singh and others

.....Petitioners

Vs

State of Punjab

.....Respondent

CRM-M No. 28859 of 2019

Jasbir Singh and others

.....Petitioners

Vs

State of Punjab

.....Respondent

CRM-M No. 54089 of 2019

Gurvinder Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Ms.G.K.Mann, Advocate
for the petitioners.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

Mr.B.S.Jaswal, Advocate for the complainant.

RAJ MOHAN SINGH, J. (Oral)

Vide this order, four cases bearing CRM-M Nos. 26253, 27568, 28859 and 54089 of 2019 are being disposed of.

All the four cases have arisen out of cross-version registered vide DDR No. 35 dated 18.4.2019 under Sections 307/ 452/ 341/ 427/ 447/ 379/ 506/ 148/ 149 IPC and under Sections 25/ 27/ 54/ 59 of the Arms Act in FIR No. 0064 dated 17.4.2019, registered under Sections 307/ 452/ 427/ 506/ 148/ 149 IPC and under Sections 25/ 27 of the Arms Act at Police Station Raja Sansi, District Amritsar Rural.

Notice of motion was issued in the aforesaid cases and the petitioners were directed to be released on interim bail in the event of their arrest.

Learned State counsel on instructions from ASI Pargat Singh submits that the petitioners have joined the investigation and their custodial interrogation is no more required in further investigation of the case.

The version put forward by the learned State counsel on 30.10.2019 in the context of episode for version and cross-version needs to be reproduced here as under :-

“Learned State counsel submits on instructions from ASI Sukhjeet Singh, that the petitioners are not getting the fire arms recovered as are stated to have

been used by them in the occurrence, with one of the weapons used having been deposited with a gun house 7 hours after the occurrence, and the other one day prior to the occurrence.

However, he further submits, on instructions, that the said weapons were actually “re-taken” by the petitioners from the gun house.

Learned counsel for the complainant first submits that as regards the weapons alleged to have been used by the complainants in the DDR against the petitioners, i.e. in the “cross case”, one of those weapons were deposited by the complainants in the DDR (i.e. accused in the FIR), with the gun house, on August 23, 2017, another on September 13, 2018 (and a .32 bore pistol/revolver deposited on February 27, 2019), with the occurrence having taken place on April 17, 2019.

He further submits that proceedings under Sections 107/151 of the Cr.P.C. have also been initiated against the petitioners after they were admitted to interim bail by this court which, as per learned counsel, shows their conduct.

Ms. Mann, learned counsel for the

petitioners, submits that all the four petitioners are shown to be unarmed in the cross version of the FIR, with petitioner no.1 alleged to only have exhorted the other co-accused, and therefore with no recovery actually to be effected from him.

The Senior Superintendent of Police, Amritsar Rural, is directed to get the affidavit of a gazetted officer filed as regards the status report of the investigation of both the cases, i.e. in the FIR registered at the instance of petitioners, as also in the DDR that was registered against the petitioners by the “opposite party”.

Alongwith that affidavit, certificates issued by all the gun houses, showing as to when all weapons were deposited and “re-taken”, by either party, would also be annexed.

It has also been argued by counsel for the petitioners, that when the petitioners are shown to be unarmed in the FIR, why any recovery of arms is sought to be made from them.

Adjourned to 25.11.2019.

If the affidavit is not filed, the SSP, Amritsar Rural, shall be summoned to court.

Interim order to continue till the next date of hearing.

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

A copy of this order be given to learned State counsel under the signatures of the Bench Secretary of this Court.”

In view of factual position where the police does not require custodial interrogation of the petitioners, I deem it appropriate to confirm the orders dated 4.6.2019, 2.7.2019, 10.7.2019 and 18.12.2019 passed in CRM-M-26253-2019; CRM-M-27568-2019; CRM-M-28859-2019 and CRM-M-54089-2019 respectively. However, petitioners shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petitions stand disposed of accordingly.

January 14, 2020
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No