

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1) CRM-M-31162 of 2020 (O&M)
Date of decision : 16.10.2020

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Simranjot Singh

.....Petitioner

vs.

State of Punjab

.....Respondent

2) CRM-M-23322 of 2020 (O&M)

...

Ajay Kumar

.....Petitioner

vs.

State of Punjab

.....Respondent

3) CRM-M-29294 of 2020 (O&M)

...

Krishna Sahni @ Laddo

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Rajesh Bansal, Advocate for the petitioner
in CRM-M-31162-2020

Mr. G.N. Malik, Advocate for the petitioner in
CRM-M-23322-2020

Mr. Hitesh Verma, Advocate for the petitioner in
CRM-M-29294-2020

Mr. H.S. Sullar, Deputy Advocate General, Punjab.

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H. S. Madaan, J.

Case taken up through video conferencing.

Vide this order, I propose to dispose of three petitions, bearing CRM-M-31162-2020 filed by Simranjot Singh, aged about 25 years, son of Tarlochan Singh, resident of Mohar Singh Nagar, Ludhiana; CRM-M-23322-2020 filed by Ajay Kumar, aged about 23 years, son of Rajesh, resident of DR Ambedkar Colony, Cheema Chowk, Millerganj, Ludhiana, both for grant of pre-arrest bail and CRM-M-29294-2020 filed by Krishna Sahni @ Laddo, aged about 19 years son of Micky Sahni, resident of Prem Gali, Near UCO Bank, Darsi Road, Ludhiana, presently resident of House no. 3725, Sector 32-A, Chandigarh, for grant of regular bail, all of them being accused in FIR No. 139 dated 9.6.2020, for offences under Sections 307, 506, 294, 148, 149 IPC and Sections 25 and 27 of Arms Act (Section 120-B IPC added later on), registered at Police Station Division No.3, District Commissionerate Ludhiana.

Briefly stated, facts of the case, as per the prosecution story

are that, the criminal machinery in this case was set into motion by complainant Raj Kumar son of Late Kuldip Raj, resident of House No. 5063, Street No.5, Mohalla Dharampur Jatta Wali Street, Ludhiana, Police Station Division No.3 Ludhiana, who in the statement made by him to the police stated that on the fateful day i.e. 9.6.2020, he alongwith his family members was sleeping in his house and main gate of the house was locked. His sister namely, Sunita Sharma @ Reeta w/o Varinder Singh, alongwith her family has been living on the first floor of the house for the last about 25 years. At about 1.25 a.m., some unknown persons on the motorcycles came in front of the house and started abusing Rishab Benipal @ Nanu, nephew of the complainant. Such persons were armed with weapons and they fired gunshots on them with an intention to kill them, while they were asleep. One gunshot crossed over them and hit wall of the room, whereas other gunshot crossed over the main gate of the house and fell in the room. However, fortunately no member of the family was hurt. Sunita Sharma @ Reeta had gone to terrace of the first floor and had observed that there were two persons on one motorcycle, whereas one person on other motorcycle, who were firing gunshots and abusing Nanu in his name. Thereafter, they left the spot giving threats to kill the complainant and his family members. When the CCTV footage from such camera installed in the neighbourhood was checked, they found five persons on two motorcycles. The complainant said that they could recognize them if they were brought before them. After registration of the FIR, the investigation in the

case started. Simranjot Singh, Ajay Kumar and Krishna Sahni @ Laddo, were nominated.

Apprehending their arrest in the case, Simranjot Singh and Ajay Kumar approached the Court of Sessions at Ludhiana for grant of pre-arrest bail, whereas Krishna Sahni @ Laddo, had been arrested and he had moved an application for regular bail before the Court of Sessions at Ludhiana. All the three petitions were dismissed, as such Simranjot Singh and Ajay Kumar have knocked at the door of this Court craving for grant of pre-arrest bail, whereas Krishna Sahni @ Laddo has approached this Court for grant of regular bail, by filing three separate petitions.

I have heard learned counsel for the petitioners, learned State counsel, besides going through the record.

Learned counsel for the petitioners have submitted that it is a case of no injury; the petitioners are not named in the FIR and no identification parade has been carried out, therefore, the petitioners are not connected with the crime. Furthermore, Ajay Kumar has joined the investigation in terms of the directions issued to him while granting interim bail by this Court. Therefore, custodial interrogation of petitioners - Simranjot Singh and Ajay Kumar, is not required.

Whereas petitioner – Krishna Sahni @ Laddo, was already in custody in FIR No. 260 dated 9.10.2019, registered under Sections 307, 323, 506, 148 read with Section 149 IPC and Section 25 of the Arms Act, Police Station Modi Nagar, Ludhiana, on the day of incident. Therefore, there could not be any possibility of his

participating in the incident. It is further submitted that the only allegation against Krishna Sahni @ Laddo is that he was in touch with other accused through video conference while he was in judicial custody. It has been pointed out that a co-accused Bunty @ Nani has since been granted regular bail by this Court. Therefore, these petitions be allowed.

Whereas, learned State counsel has opposed the request.

After hearing the rival contentions and going through the record, I find that all the petitions are doomed for failure.

The allegations against the petitioners are very grave and serious of planning and executing the incident. In the incident firing was done on the house of the complainant at odd hours. Though the complainant and his family members had a miraculous escape, but that does not lessen the gravity of the criminal acts attributed to the petitioners – accused. In a civilised society, where rule of law prevails, such type of criminal acts cannot be viewed in a light and casual manner. The assailants by indulging in firing gunshots, had committed very grave and dangerous acts. It was good fortune of the complainant and his family members that they had survived the attack. Now the petitioners cannot come up with a plea that since nobody was hurt in the attack, leniency should be shown to them.

As regards the other plea that none of the petitioners are named in the FIR, again the petitioners cannot take advantage of that fact. The limited purpose of lodging the FIR is to set the criminal machinery in motion. It is only during investigating of the case, after

recording of the FIR that it gets unfolded that as to how the crime was committed, the persons involved therein and role played by each one of them etc. therefore, this plea is also not helpful to the petitioners in any way.

As regards the petitioners having not been got identified by arranging an identification parade by the eye witnesses, again that aspect is not of any help to the petitioners at this stage, though they may raise this plea during the trial.

Similarly, the plea raised that Krishna Sahni @ Laddo was behind the bars on the day of incident, may be having some relevance during the trial, but cannot be given undue weightage, while considering the case of the petitioner for grant of regular bail.

Thus, as far as, the petition for grant of pre-arrest bail filed by Simranjot Singh and Ajay Kumar, the custodial interrogation of both the petitioners is found to be necessary for proper and effective investigation, so as to find out as to how the incident was planned and executed, the persons who had taken part therein and role played by each one of them. Recovery of weapons used in the incident is also to be affected. In case custodial interrogation is denied to the Investigating Agency, that shall leave many loopholes and gaps, adversely affecting the investigation, which is not called for. Therefore both the petitions (CRM-M-31162-2020 and CRM-M-23322-2020) for grant of pre-arrest bail filed by petitioners - Simranjot Singh and Ajay Kumar, stand dismissed.

With regard to the petition for regular bail filed by Krishna

Sahni @ Laddo, the same is also bound to meet the similar fate, since keeping in view the gravity and seriousness of the offence, there appears to be reasonable apprehension of petitioner absconding and tempering with the prosecution evidence, if released on bail. Accordingly the petition (CRM-M-29294-2020) for grant of regular bail, filed by petitioner – Krishna Sahni @ Laddo, is also dismissed.

16.10.2020
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(H.S. Madaan)
Judge

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No