

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

CRM-M-35222 of 2019

Date of Decision:-17.01.2020

Prabhjot Singh alias Jyoti

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Mohinder Kumar, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

JASGURPREET SINGH PURI J.(Oral)

Petitioner-Prabhjot Singh alias Jyoti has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 114 dated 12.10.2017, under Sections 307, 482, 34 IPC (Sections 115 and 120-B IPC added later on) read with Section 22 of NDPS Act and Section 25 of Arms Act, registered at Police Station Haryana, District Hoshiarpur, Punjab.

Learned counsel for the petitioner has argued that this is a case where the petitioner has been falsely implicated by the police and in the FIR, four accused were named and the petitioner was not named and was later on nominated on the basis of disclosure statement made by one of the co-accused to the effect that the petitioner had conspired to commit the

offence. He has further submitted that the co-accused have already been enlarged on bail by this Court vide Annexures P-2 to P-9 and that the case before the trial Court is now fixed for framing of charges and there is no possibility of influencing any of the witnesses.

Per contra learned State counsel has filed the reply by way of affidavit of Satinder Kumar, Deputy Superintendent of Police, Sub Division, Hoshiarpur, in the Court, which is taken on record. It has been stated in the affidavit that during investigation of the present case, co-accused Satnam Singh @ Karori, Shubham @ Bamb, Amrit Singh @ Amrit and Jatinder Singh @ Sheru suffered disclosure statement on 12.10.2017 and they disclosed that in the year 2016 the petitioner was in judicial custody in some case in Central Jail, Amritsar and during the said period, the petitioner met Rajiv @ Raja. Thereafter, the petitioner went to Dubai in the year 2017 after releasing from Central Jail, Amritsar and he contacted Rajiv @ Raja on whatsapp when said Rajiv @ Raja was in District Jail, Sangrur and petitioner asked him that he wanted to take revenge of murder of his brother Nishan Singh @ Shana from Arshdeep Singh son of Amrik Singh and his family members. The petitioner asked to Rajiv @ Raja on whatsapp that he will give him Rs.35,00,000/-, 32 bore revolver, Pistol 32 bore and live cartridges for killing Arshdeep Singh and his family members. It is further stated in the affidavit that the petitioner sent Rs.9,00,000/-, 32 bore revolver and 32 bore pistol alongwith live cartridges to co-accused Satnam Singh @ Karori, Shubham @ Bamb, Amrit Singh @ Amrit and Jatinder Singh @ Sheru. It is further stated that thereafter various other persons were nominated as co-accused including the petitioner. It is further

stated in the affidavit that the petitioner was produced in the present case on production warrants on 30.3.2019 and he suffered disclosure statement in the present case that he sent Rs.9,00,000/- and 32 bore pistol and 32 bore revolver alongwith live cartridges to his co-accused Satnam Singh and others to kill Arshdeep Singh. In para 6 of the affidavit, a list of cases has been mentioned, in which the petitioner had faced the prosecution, out of which two cases have been decided, in two cases, the petitioner has been acquitted two cases have been cancelled by the police itself.

After hearing learned counsel for the parties and perusing the records, it can be seen from the FIR that the petitioner was not named earlier in the FIR but he has been nominated on the basis of the disclosure statement made by co-accused during the course of investigation.

As per learned counsel for the petitioner, it is a case where two brothers of the petitioner have been killed and there was a conspiracy against him to involve him in the false case and therefore he has been roped up in the present FIR. He has also submitted that brother of the petitioner, namely, Nishan Singh was killed in the year 2013 and the list of cases, which have been mentioned in the affidavit are after the year 2013, however, in two cases, whichever registered before the year 2013, in those cases he has either completed his conviction period or he has been acquitted. He has further submitted that even one of his brother, who is settled with his family in Canada for the last numbers of years and is a citizen of Canada, he is also been named as co-accused in the present FIR, reported on the basis of disclosure statement of co-accused.

Learned State counsel has stated that the matter is serious in

nature, therefore, the petitioner is not entitled for grant of bail.

Be that as it may, now the case before the trial Court is fixed for framing of charges. The petitioner was not named in the FIR and was nominated later on on the basis of disclosure statement made by co-accused. The co-accused have been enlarged on bail by this Court. In view of the totality of the circumstances, the petitioner can be granted the concession of regular bail, however, the same can be done only on the basis of some strict conditions, which can be imposed on the petitioner.

In view of the above, the petitioner shall be admitted on bail subject to the satisfaction of the trial Court on his furnishing bail bonds and surety bonds. In addition to that the petitioner shall not leave the country without the prior permission of the Court and it is also made clear that in case, at any stage, it comes to the light that the petitioner is trying to influence anybody or is also trying to tamper with any record, then the State may immediately file an appropriate application in this Court for cancellation of his bail.

The petition is disposed of.

January 17, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No