

In virtual Court

CRM-M-824-2021 and other connected cases

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

Date of decision: 16.09.2021

1. CRM-M-824-2021 (O&M)

Abinesh Kumar @ Bunny

... Petitioner

Vs.

State of Punjab

... Respondent

2. CRM-M-19042-2020 (O&M)

Gaurav Singh @ Sawan @ Golu

... Petitioner

Vs.

State of Punjab

... Respondent

3. CRM-M-46082-2019 (O&M)

Amit Sharma @ Jhabi

... Petitioner

Vs.

State of Punjab

... Respondent

4. CRM-M-42112-2020 (O&M)

Ravi Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Balbir Kumar Saini, Advocate
for the petitioner (in CRM-M-824-2021).

Mr. A.P.S. Sandhu, Advocate
for the petitioner (in CRM-M-19042-2020).

Mr. Dilpreet Singh Gandhi, Advocate
for the petitioner (in CRM-M-46082-2019).

Mr. Umesh Aggarwal, Advocate
for the petitioner (in CRM-M-42112-2020).

Mr. H.S. Multani, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

This order shall dispose of abovementioned four petitions praying for grant of regular bail to petitioners Abinesh Kumar @ Bunny, Gaurav @ Sawan @ Golu, Amit Sharma @ Jhabi and Ravi Kumar, in FIR No.125 dated 26.07.2016 under Sections 302, 307, 148, 149 IPC and Section 25 of Arms Act (Sections 380, 411, 450 IPC were added later on), registered at Police Station Sadar Amritsar, District Amritsar.

Brief facts of the case are that the FIR was registered on the statement of Kulwant Singh with the allegations that he is running a liquor vend

and an eatery under his house and every evening, he go to his brother Hardev Singh. On 25.07.2016, after completing work, when he had gone to meet his brother Hardev Singh, in the meantime, a white coloured Alto car, in which 5-6 persons were sitting and one motorcycle, on which two persons were riding, came with weapons and entered the eatery along with boys on the motorcycle and enquired from his brother about his sons. On this, his brother told that his sons had left for home. When the complainant was looking, Shubham, Rohit sons of Baljinder Singh, Tinku Bengali and Bunny sons of Ashok Kumar, Ravi, Lakhana and 2-3 other unidentified persons were there and he can identify them on coming in front of him. They were armed with rifles and pistols. Shubham was carrying rifle on his left shoulder and pistol in his right hand and with an intention to kill, fired a bullet from the pistol, which hit on the right rib near heart of his brother Hardev Singh and he fell down. Hardev Singh's servant namely Raju came forward to stop the fight, then Shubham fired another bullet upon him with an intention to kill him, which hit on his stomach and other accused also fired bullets. On this, complainant and other persons standing nearby raised alarm and all the accused along with their weapons ran away in their car and motorcycle. Thereafter, Hardev Singh and Raju were taken to the hospital, where Hardev Singh was declared brought dead and after some time, even Raju has also died.

Learned counsel for the petitioners submit that later on, FIR No.219 dated 05.10.2017 under Sections 302, 392, 216, 120-B, 148, 149 IPC was registered at the instance of Kulwant Kaur, mother of Shubham with the

allegations that the complainant party in the present case i.e. Kulwant Singh has murdered father of Shubham and thereafter, Kulwant Singh had been declared a proclaimed offender. It is further submitted that two eyewitnesses Gurpreet Singh and Mahesh Kumar have been examined as PW13 and PW14, they did not support the prosecution version and were declared hostile.

Learned counsel for petitioner Abinesh Kumar @ Bunny submits that the petitioner was arrested on 21.05.2018 and there is no direct allegation against him. It is further submitted that co-accused Dinesh Kumar @ Tinku, brother of the petitioner, got an FIR No.56 dated 20.02.2016 under Sections 307, 379-B, 323, 324, 148, 149 IPC was registered against Simranjit Singh son of deceased Hardev Singh and on that account, name of the petitioner has been given in this FIR.

Learned counsel for petitioner Gaurav @ Sawan @ Golu has submitted that the petitioner was arrested on 06.08.2016 and he may be released on regular bail.

Learned counsel for petitioner Amit Sharma @ Jhabi has argued that there is no specific attribution to the petitioner, as no role is attributed towards him. It is further submitted that the petitioner was arrested on 22.10.2016 and is in long custody.

Learned counsel for petitioner Ravi Kumar submits that the petitioner has been falsely implicated in this case, as neither there is any role attributed to him nor any injury is attributed and he is in custody since 22.08.2016 and is no more required for further custodial interrogation.

Learned counsel for the petitioners have further submitted that co-accused Kapil Jaitly has already been released on regular bail, considering his long custody.

In reply, learned State counsel has submitted that petitioner Abinesh Kumar @ Bunny is involved in two more FIRs under Section 307 IPC. In the affidavit of Assistant Commissioner of Police, North, Amritsar City, it is stated that the petitioner was named in the FIR and was carrying firearm. It is also stated that in the supplementary statement of Kulwant Singh recorded on 27.07.2016, name of the assailants, who opened fire committing murder of Hardev Singh and Raju are Shubam, Rohit, Tinku Bengali, Bunny, Sawan @ Gaurav Singh, Amit Sharma @ Jhabi, Ravi, Kapil Jaitly and Simran. Since the petitioner has been nominated by the complainant, his bail application be dismissed.

Similar objections are raised with regard to bail application of petitioner Gaurav @ Sawan @ Golu, Amit Sharma @ Jhabi and Ravi Kumar. It is submitted that petitioner Gaurav @ Sawan @ Golu is also involved in five other FIRs, including the FIRs under IPC and NDPS Act, as per affidavit of Inspector Parveen Kumar, SHO, Police Station Sadar, Amritsar City. It is further submitted that statements of the complainant and some private witnesses are yet to be recorded and there is every possibility that if the petitioner is granted the concession of regular bail, he may misuse the same.

Learned State counsel has further submitted that even petitioner Amit Sharma @ Jhabi is involved in some more FIRs under IPC. It is also

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submitted that petitioner Ravi Kumar, when arrested, recovery of khokhri was effected. It is also submitted that PW15 has named all the witnesses and even identified Ravi Kumar, Kapil Jaitly, Abinеш Kumar @ Bynny and Dinesh Kumar @ Tinku, who were present in the Court.

After hearing learned counsel for the parties, I find that cases of other co-accused, who have already been released on regular bail, are on different footings, as they were nominated later on, whereas there are direct allegations against the petitioner.

Considering the antecedents of the petitioners, I find no ground to grant them the concession of regular bail.

Accordingly, all these four petitions are dismissed.

**[ARVIND SINGH SANGWAN]
JUDGE**

16.09.2021
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No