

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

1. CRM-M-48371-2019 (O&M)

Sonu @ Soni ...Petitioner

Versus

State of Punjab ...Respondent

2. CRM-M-37875-2019 (O&M)

Lal Singh @ Lallu ...Petitioner

Versus

State of Punjab ...Respondent

3. CRM-M-16175-2021 (O&M)

Chhinder @ Chhindri @ Raj Singh ...Petitioner

Versus

State of Punjab ...Respondent

4. CRM-M-8192-2021 (O&M)

Khushal Singh @ Khushali ...Petitioner

Versus

State of Punjab

...Respondent

5. CRM-M-16411-2021 (O&M)

Amarjeet @ Ambi

...Petitioner

Versus

State of Punjab

...Respondent

Reserved on : 15.11.2021
Pronounced on : 16.11.2021

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Bipan Ghai, Sr. Advocate with
Mr. Paras Talwar, Advocate,
Mr. Rishabh Singla, Advocate
Mr. V. S. Virk, Advocate &
Mr. Harsh Raheja, Advocate
for the petitioner in CRM-M-48371-2019.

Mr. S. P. S. Sidhu, Advocate
for the petitioner in CRM-M-37875-2019.

Mr. G. S. Saini, Advocate
for the petitioner in CRM-M-16175-2021.

Mr. Raman Goklaney, Advocate
for the petitioner in CRM-M-8192-2021.

Mr. R. S. Sekhon, Advocate
for the petitioner in CRM-M-16411-2021.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Salil Dev Singh Bali, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J.

This common order shall dispose of above noted five petitions

as they arise out of the same FIR.

Prayer in these petitions, which have been filed under Section 439 of the Code of Criminal Procedure, is for grant of regular bail to petitioners Sonu @ Soni, Lal Singh @ Lallu, Chhinder @ Chhindri @ Raj Singh, Khushal Singh @ Khushali and Amarjeet @ Ambi in case FIR No. 39 dated 28.02.2019, registered under Sections 302, 120-B of the IPC and Sections 25, 27 of the Arms Act, 1959 at Police Station City Ferozepur, District Ferozepur.

Learned senior counsel, appearing for petitioner Sonu @ Soni, has argued that as per allegations in the FIR, registered at the instance of complainant Kartar Singh, it is stated that he is Ex-Sarpanch of village Nihale Wala and his elder son, namely Harbans Singh, is the present Sarpanch of village Nihale Wala and the younger son, namely Pritam Singh, is the Member of Zila Parishad. It is further stated that on 28.02.2019, Pritam Singh left home on his motorcycle to drop his children at a school, whereas the complainant and his other son Harbans Singh, after delivering milk at a dairy, had stopped at a shop for getting some household articles. After Pritam Singh surpassed them after leaving his children at the school, two young persons came on a motorcycle from the backside in a rash manner. The person, sitting as a pillion rider, was carrying a pistol. It is further stated that the complainant can identify both the persons if they appear before him. In the meantime, the pillion rider fired at Pritam Singh, due to which, he fell down from the motorcycle and both the assailants stopped their motorcycle and came to Pritam Singh and fired 4-5 more gunshots. When the complainant and his son Harbans Singh rushed to the

spot, both the assailants started the motorcycle and fled away towards Dulchi Ke Road. The complainant found that due to heavy bleeding, his son Pritam Singh has died. The motive behind the murder of Pritam Singh is stated that Harbhajan Singh @ Rana s/o Lal Singh, resident of village Nihale Wala, and his family are indulged in the smuggling of the narcotic substance. Their house is situated a little ahead of the complainant's house. About two months back, said Harbhajan Singh @ Rana had come to complainant's house and shot dead his brother Bagga Singh and in that process, the complainant's brother also killed Harbhajan Singh @ Rana while defending himself. Joginder Singh @ Sammi, his brother Sony and their father Lal Singh @ Lallu are presently confined in jail and from the jail, they used to threaten the complainant. Even Khushal Singh s/o Sunder Singh and Babbu @ Babbi, who is son-in-law of the sister of said Lal Singh, also used to threaten complainant. The complainant further stated that he has every reason to believe that Pritam Singh has been killed by the aforesaid persons by hatching conspiracy.

Learned senior counsel has further submitted that admittedly, petitioner Sonu @ Soni was not present at the spot as he was in judicial custody on the date of the incident and the only allegation against him is that he has extended threatsto complainant and his family. It is further stated that nothing is stated in the FIR or in the subsequent statement recorded under Section 161 Cr.P.C. that as to how and in what manner, the threats were extended to complainant and his family as no mobile number etc. is given.

Learned senior counsel further submitted that later on, during

investigation, the police recorded the statement of one Jagdish Singh s/o Puran Singh, who stated that he is a labourer and on 27.02.2019, i.e. a day prior to the incident, when he was coming back after doing labour work, he stopped at a *Dhaba* for having meals. At that time, Amarjeet Singh @ Ambi, resident of village Ali Key, his nephew Kali @ Ramesh, resident of village Kilche and three unknown persons were also present there and were sitting over a table and consuming liquor. He also sat over the same table and ordered for meals as Amarjeet Singh @ Ambi and others were earlier known to him. Meanwhile, Amarjeet Singh @ Ambi, while calling his associates in the name of 'Shindi', told him that he has talked to Joginder Singh @ Shammi over phone and has also talked to his brother Sonu, father Lal Singh, uncle Khushal Singh @ Babbu that they will settle the score with Pritam Singh in near future. On 24.02.2019, he had sent his sister-in-law (Bhabhi) Rano @ Rani to call Pritam Singh to his house in order to eliminate him but on that day, the plan could not succeed and as per their plan, they will eliminate him when he will go to drop the children at school.

Learned senior counsel further submitted that except for the statement of aforesaid Jagdish Singh, there is nothing on record to prove that petitioner Sonu @ Soni had any intention to be a part of any conspiracy to commit the murder of Pritam Singh. It is further submitted that petitioner Sonu @ Soni is in judicial custody since 22.04.2019 and a co-accused namely Swaran Singh, has already been granted the concession of anticipatory bail by this Court, vide order dated 16.12.2019 passed in CRM-M-33444-2019. Learned senior counsel further submitted that co-accused Jasbir Singh has also been granted the concession of regular bail

by this Court, vide order dated 10.02.2021 passed in CRM-M-20033-2020.

Learned senior counsel has referred to three orders, passed by the Courts granting bail to petitioner Sonu @ Soni in two FIRs and a judgment, vide which the petitioner stands acquitted in a case under the NDPS Act. It is, thus, argued that on account of the involvement of the petitioner in an earlier case under the NDPS Act, he has falsely been implicated in the present case and since there is no allegation that the petitioner himself is involved in the murder of Pritam Singh and also in view of the fact that he has been involved in the aid of Section 120-B IPC, he may be enlarged on regular bail as the conclusion of trial is likely to take a long time.

Learned counsel, appearing for petitioner Lal Singh @ Lallu, has also advanced the similar arguments that petitioner Lal Singh @ Lallu was also confined in jail; he was not present at the spot; he has been roped in the aid of Section 120-B IPC and it will be matter of trial whether he was a part of the conspiracy or not. The petitioner is stated to be in judicial custody since 07.05.2019.

Learned counsel has referred to some orders, vide which petitioner Lal Singh @ Lallu has been granted bail in two cases under the NDPS Act and has been acquitted in one case.

Learned counsel, appearing for Chhinder @ Chhindri @ Raj Singh, has submitted that petitioner Chhinder @ Chhindri @ Raj Singh has been implicated in this case because it has come in the statement of aforesaid Jagdish Singh that co-accused Amarjeet Singh @ Ambi was talking to one person named 'Shindi' and since the petitioner has similar

name, he has been involved in this case, however, he has no role in the offence. It is further submitted that since there is no allegation attributing any motive to the petitioner, he may be granted the concession of regular bail as he is in judicial custody since 31.08.2019.

Learned counsel, appearing for petitioner Khushal Singh @ Khushali, has also made submissions on the similar line that though the petitioner is involved in some other cases but he is on bail in those cases. It is further submitted that he has been roped in only because he is the relative of co-accused Lal Singh @ Lallu and there is no allegation of any motive against the petitioner.

Learned counsel further submitted that even there is no allegation that petitioner has extended any threatsto complainant or his family. The petitioner is stated to be in judicial custody since 24.04.2019.

Learned counsel, appearing for petitioner Amarjeet @ Ambi, has submitted that petitioner has falsely been implicated on the statement of aforesaid Jagdish Singh that he had overheard him talking to other accused planning the murder of Pritam Singh. It is further submitted that no test identification parade of the petitioner was conducted and he is in judicial custody for the last more than two years.

Learned State counsel, assisted by learned counsel for the complainant, on the basis of the affidavit of the DSP (City), Ferozepur, has, however, opposed the prayer of the petitioners on the ground that as per investigation, Raj Singh @ Shinder s/o Phuman Singh and Harmesh Singh @ Kali s/o Gabbar were the persons, who were riding the motorcycle. Harmesh Singh @ Kali was driving the motorcycle, whereas Raj Singh @

Shinder was sitting as a pillion rider and has fired the gunshots on the date of incident.

Learned State counsel, on the basis of the affidavit of the Investigating Officer, further submitted that there was an enmity between the two families as on an earlier occasion, Harbhajan Singh @ Rana s/o Lal Singh has murdered the brother of the complainant namely Bagga Singh by way of fire arm injuries and as a self defence, Bagga Singh also opened fire and killed said Harbhajan Singh @ Rana, therefore, the motive is attributed to the petitioners.

Learned State counsel further submitted that Joginder Singh @ Shammi, his brother Soni and their father Lal Singh @ Lallu, while confined in Central Jail, were extending threatsto the complainant and his family and even the other relatives of Lal Singh, namely Khushal Singh and Babbu @ Babbi, were also extending threatsto complainant and his family and later on, they committed the murder of Pritam Singh.

Learned counsel for the complainant has additionally argued that there are serious allegations against the petitioners as they, in conspiracy with each other, have committed the murder of Pritam Singh.

After hearing learned counsel for the petitioners and going through the contents of the FIR as well as aforesaid both the affidavits filed on behalf of the DSP (City), Ferozepur and the Investigating Officer, it is found that though it has come that petitioner Sonu @ Soni is involved in some other cases under the NDPS Act, however, primary evidence against him is of extending threats to the complainant and his family, qua which, nothing is stated in the aforesaid affidavits about the mode and the manner,

in which the threats were extended by the petitioner while he was in judicial custody. There is no scientific evidence in the shape of any call details of the petitioner with the co-accused or with any of the family members of the complainant regarding extension of threat, therefore, considering the fact that the only allegation against the petitioner is the statement of aforesaid Jagdish Singh, which is based on so called conversation of co-accused Amarjeet Singh @ Ambi with other co-accused that they are planning to eliminated Pritam Singh, the petitioner is found entitled to get the concession of regular bail as he is in long judicial custody.

Similar is the status of petitioner Lal Singh @ Lallu, who is also implicated in this case in the aid of Section 120-B IPC as he was also in judicial custody at the time of incident.

Further, there is no allegation of extending any threats against petitioner Chhinder @ Chhindri @ Raj Singh and his identity is yet to be established during trial.

Even the allegations against petitioner Khushal Singh @ Khushali are only of extending threats being the brother of co-accused Lal Singh @ Lallu and he has also been nominated in the aid of Section 120-B IPC.

However, the case of petitioner Amarjeet @ Ambi is on different footing as aforesaid Jagdish Singh has specifically named him that he is known to him and he was talking to other co-accused with regard to conspiracy to kill Pritam Singh.

Therefore, for the reasons recorded in the foregoing paragraphs, the petitions filed on behalf of petitioners Sonu @ Soni, Lal

Singh @ Lallu, Chhinder @ Chhindri @ Raj Singh and Khushal Singh @ Khushali are allowed and they are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, however, the petition filed on behalf of petitioner Amarjeet @ Ambi, bearing CRM-M-16411-2021 is dismissed.

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

16.11.2021
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No