

**207+ IN THE HIGH COURT OF PUNJAB AND HARYANA
231 AT CHANDIGARH**

1. CRM-M No.10398 of 2021 (O&M)
Date of Decision: 05.04.2021

Jasjeet SinghPetitioner
Versus
State of PunjabRespondent

2. CRM-M No.40224 of 2020 (O&M)

Sandeep KharbPetitioner
Versus
State of PunjabRespondent

3. CRM-M No.3608 of 2021 (O&M)

Gurpeet Singh @ PammaPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Dr. Anmol Rattan Singh Sidhu, Senior Advocate with
Mr. G.S. Dhaliwal, Advocate,
for the petitioner in CRM-M No.10398 of 2021.

Ms. G.K. Mann, Advocate,
for the petitioner in CRM-M No.40224 of 2020.

Mr. H.P.S. Ishar, Advocate,
for the petitioner in CRM-M No.3608 of 2021.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

[1]. All the cases have been taken up for hearing through
video conferencing.

[2]. Vide this common order, CRM-M No.10398 of 2021 (Regular Bail); CRM-M No.40224 of 2020 (Anticipatory Bail) and CRM-M No.3608 of 2021 (Anticipatory Bail) are being decided.

[3]. Since all the aforesaid petitions have arisen from the common FIR, therefore, for brevity the facts are being deduced from CRM-M No.10398 of 2021.

[4]. The FIR was registered by the complainant Devan Sharma with the allegations that during the intervening night of 16-17.09.2020 at about 2.30 A.M., he was sleeping in his room, whereas his parents were sleeping in their room. Someone rang up the bell of his house. CCTV cameras were installed at the main gate of the house. When the complainant saw those footages of CCTV cameras, he along with his father found that some persons were standing outside the inner gate of their house. Out of them, one was Akashdeep Singh @ Pannu armed with baseball bat, second person was Harinder Singh Sahota armed with iron rod, third person was Bhavjeet Singh Gill armed with pistol and fourth person was Baljeet Singh Chaudhary along with 2-3 unknown persons. The complainant asked his parents not to open the door as those persons had come to the house to kill him. The complainant went up-stairs in the Chobara and hide himself. The assailants started firing towards the house of

the complainant and forcibly opened the door of the house and entered therein. They opened fire on the father of the complainant but missed the fire. They forcibly dragged the father of complainant outside the house and gave beatings with dandas and rods. Thereafter, all the assailants fled away from the spot along with their respective weapons. The complainant came down from the Chobara and saw that his father was lying in the pool of blood. His car was also damaged. He took his father in the hospital in a serious condition. He got his father admitted in Indus Hospital, Phase-I, Mohali, keeping in view the serious condition. The father of the complainant died on 19.09.2020 during treatment. The complainant alleged that in the month of December 2019, accused Bhavjeet Singh Gill was attacked by some unknown persons in Mohali and he suspected the hand of the complainant in that attack. With this background, the assailants had attacked the house of complainant and gave severe injuries to his father.

[5]. Supplementary statement of the complainant was recorded on 18.09.2020 in which the petitioner was nominated along with two more persons, namely, Akashdeep Singh @ Pannu and Harinder Singh Sahota, who were already arrayed as accused in the main FIR. In the disclosure statement of

Akashdeep Singh @ Pannu, he got the baseball bat recovered but did not disclose the name of the petitioner in any manner. Similarly, in the disclosure statement of Harinder Singh Sahota, he also got one iron rod and shirt recovered. There was no reference of the name of the petitioner. The name of the petitioner came to be disclosed only in the disclosure statement of Bhavjeet Singh Gill in which petitioner Jasjeet Singh was shown to be empty handed and no overt-act was attributed to him. This disclosure statement was recorded only on 24.11.2020 i.e. after the supplementary statement of complainant recorded on 18.09.2020 in which name of the petitioner had already appeared along with Akashdeep Singh @ Pannu and Harinder Singh Sahota. Bhavjeet Singh Gill was produced on 17.11.2020.

[6]. With the aforesaid background, learned counsel for the petitioner-Jasjeet Singh states that the petitioner was only shown empty handed and no overt-act was attributed to him in the entire episode of inflicting injuries on the father of the complainant.

[7]. Learned counsel for the petitioner-Sandeep Kharb states that petitioner-Sandeep Kharb is a registered travel agent and he is running a Travel Agency in the name and style of Sai International Solution and used to arrange tickets and tour

packages for different persons. One form having photo of Bhavjeet Singh Gill came to be produced before him for the purposes of applying for Visa. Bhavjeet Singh Gill was impersonated by Manpreet Singh and a ticket was issued through the good offices of the petitioner. The petitioner has been implicated only on the ground that a person came to him with a passport for issuance of Visa and ticket. The petitioner treated him to be a genuine person and got the Visa and ticket issued in the name of Manpreet Singh. The petitioner was never privy to such an un-wholly alliance between Bhavjeet Singh Gill and Manpreet Singh and he acted in a *bona fide* manner in rendering his service without any doubt as to the genuiness of photos appearing on the documents. The petitioner never knew about Bhavjeet Singh Gill nor could he ascertain the person through photo that he was not Manpreet Singh. The person successfully travelled to Gulf Country and returned India and thereafter he was arrested in the present case.

[8]. Learned counsel further submits that the offence is relatable to the documents only for which the custodial interrogation of the petitioner is not required and the documents have already been recovered by the police.

[9]. Learned counsel for petitioner Gurpreet Singh @

Pamma states that no specific role has been attributed to him except to allege that all the assailants gave beatings to the father of the complainant. Even 2-3 unknown persons were also present at the spot and not armed with any weapon. The allegations against the petitioner Gurpreet Singh @ Pamma is that co-accused Baljeet Singh used his licenced weapon for which subsequent FIR No.12 dated 12.10.2020 was registered for the offence under Section 25 of the Arms Act at Police Station SSCO Mohali. The petitioner has been granted bail in the aforesaid FIR No.12 dated 12.10.2020. In the present case, no overt-act has been attributed to the petitioner except the use of his licenced weapon that too by co-accused Baljeet Singh Chaudhary.

[10]. On the other hand, learned State counsel submits that the complicity of the petitioners would be tested on the basis of material on record by the trial Court. They are involved in a serious offence for which they are not entitled for regular bail and anticipatory bails in any manner.

[11]. Having heard learned counsel for the parties, I find that accused-Jasjeet Singh is shown to be empty handed. No role has been attributed to him in any manner. In the disclosure statements of Akashdeep Singh @ Pannu and Harinder Singh

Sahota, name of petitioner-Jasjeet Singh has not appeared. It is only in the disclosure statement of Bhavjeet Singh Gill, name of the petitioner Jasjeet Singh has appeared and that too with no weapon in his hand. Running of a Travel Agency and involvement viz.-a-viz. being privy to any such alliance between Bhavjeet Singh Gill and Manpreet Singh would remain debatable on the basis of material collected by the police. The documents have already been recovered by the police.

[12]. Similarly, Gurpreet Singh @ Pamma has not been attributed any specific role, except the allegations that his licenced weapon was used by Baljeet Singh Chaudhary for which subsequent FIR No.12 dated 12.10.2020 was registered under Section 25 of the Arms Act in which petitioner Gurpreet Singh @ Pamma has been released on bail.

[13]. In view of aforesaid facts and circumstances of the case, CRM-M No.10398 of 2021 for grant of regular bail is allowed and CRM-M No.40224 of 2020 and CRM-M No.3608 of 2021 for anticipatory bail are also allowed.

[14]. Petitioner-Jasjeet Singh is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of concerned trial Court/Duty Magistrate.

[15]. Petitioners-Sandeep Kharb and Gurpreet Singh @ Pamma are directed to appear before the SHO/Investigating Officer to join investigation on 10.04.2021 and in the event of their arrest, they shall be released on bail on their furnishing adequate bail bonds and surety bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438 (2) Cr.P.C.:-

- (i) that the petitioners shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave the country, without prior permission of the Court and shall surrender their passport, if any.

[16]. Nothing observed hereinabove, shall be construed to be an expression of opinion on the merits of the case.

(RAJ MOHAN SINGH)
JUDGE

05.04.2021
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No