

CRM-M-16994-2021(O&M)

[1]

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

**Criminal Misc. No.M-16994 of 2021(O&M)
Date of Decision: July 02, 2021**

Gurlal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

--

Present: - Mr.Amit Arora, Advocate
for the petitioner.

Mr.R.S.Khaira, AAG, Punjab.

-

HARINDER SINGH SIDHU, J.

Gurlal Singh has filed this petition under Section 438 Cr.P.C for grant of pre-arrest bail in case FIR No.182 dated 27.11.2018 under Sections 307, 323, 506, 148, 149 IPC and Sections 25 and 27 of the Arms Act, Police Station Goindwal Sahib, District Tarn Taran.

The FIR was lodged on the statement of one Avtar Singh, who stated that he along with his father was operating a Transport in the name of 'Randhawa Transport Mini Bus', which plied on the Goindwal Sahib to Tarn Taran route. The complainant and Jagroop Singh s/o Balwinder Singh used to work along with the father of the complainant in the said transport. Accused Sahib Singh @ Sabi had taken one bus of Libra Bus on contract, which was plying from Ludhiana to Amritsar through Goindwal Sahib. He often used to pick the passengers of Randhawa Transport Mini Bus in his bus. The complainant number of times asked him to stop doing this. They

even had verbal altercations many times on this issue. On 27.11.2018 at about 3.25 P.M., the complainant and Jagroop Singh were standing at the bus stand Goindwal Sahib as per their daily routine. Suddenly, four cars came inside the bus stand, out of which one car black Montero was driven by Satnam Singh. Sahib Singh @ Sabi armed with *kirpan* alighted from the said vehicle along with Gurlal Singh (petitioner) armed with .315 bore rifle, Nirvail Singh and Sunny armed with baseball bats. From the other three cars, various other persons alighted along with the driver and conductor of the bus. One of them was armed with .315 bore rifle, one was armed with spring-field rifle and others armed with baseball bats and *Datars*. Sahib Singh @ Sabi raised *lalkara* that the persons belonging to Randhawa Bus Service be taught a lesson. Sahib Singh @ Sabi aimed a *kirpan* blow at the complainant, which hit him on his right hand. Nirvail Singh caused baseball bat blows, hitting him at left thigh and right knee. Gurlal Singh (petitioner) fired gunshot at Jagroop Singh, who, however, ducked and saved himself by hiding behind a pillar. The other two persons fired at the complainant, but he was also able to save himself by scaling a wall.

Ld. Counsel for the petitioner has argued that no injury has been attributed to the petitioner. He is only alleged to have fired at Jagroop Singh, but the shot did not hit Jagroop Singh. He further argued that allegations are false and no empty cartridge has been recovered from the place of occurrence. He further stated that after the registration of the present FIR on 27.11.2018, the petitioner was arrested in FIR No.145 dated 18.09.2019, FIR No.195 dated 12.06.2020 and FIR No.199 dated 17.06.2020, but he was never arrested in the present case nor were production warrants sought by the Police qua the present FIR. Ld. Counsel

also argued that the petitioner had been found innocent in FIR No.307 dated 27.11.2018 registered against him in Police Station City Tarn Taran for having allegedly fired at the Police Party after having committed the offence, which is subject matter of the present FIR (FIR No.182).

A short affidavit of Dhruvan H.Nimbale, IPS, Senior Superintendent of Police, District Tarn Taran has been filed in which it has been stated that SI (LR) Baljinder Singh, the then Station House Officer of Police Station Goindwal Sahib had applied for production warrants of the petitioner on 15.02.2019. However, when the warrants were produced before the Jail Authorities, it was informed that the petitioner was no more in police custody. For the negligent act of the then SHO, a departmental inquiry was initiated, in which a punishment of censor was imposed on him. It is further stated that initially a report dated 16.09.2020 was submitted by the DSP, Sub-Division Patti to the Senior Superintendent of Police, Tarn Taran, wherein, the petitioner was found innocent. The deponent, however, did not agree with the said report. It is stated that a Special Investigation Team has been constituted by the deponent to investigate the matter and the investigation shall be completed within a short period. It is further stated that the petitioner has not been found innocent in FIR No.307. An application for discharge of the petitioner was moved by the then SHO, Police Station Tarn Taran, before the Trial Court on his own, but the same was dismissed. The Ld. Trial Court also recommended a departmental enquiry against the then SHO for moving a false application against the facts. It is stated that the investigation in FIR No.307 is still pending. It is further stated that the raids were conducted to arrest the accused on 01.05.2019, 10.10.2019, 13.10.2019 and ultimately warrants were got issued

for 04.11.2019. When even after the issuance of warrants, the petitioner could not be arrested, proclamation proceedings were initiated against him.

Heard Ld. Counsel for the parties.

The petitioner along with co-accused is alleged to have attacked the complainant and one Jagroop Singh. He is alleged to have fired at Jagroop Singh from a .315 bore rifle. After the alleged incident, the petitioner also fired at the Police party regarding which a separate FIR (FIR No.307) was registered which is also pending investigation.

It also appears that the investigation in this case has not been conducted properly and the petitioner has been unduly favoured by the then Investigating Officer as has come out in the reply.

In view of the nature of allegations, in my view, no ground is made out to extend the benefit of anticipatory bail to the petitioner.

Petition dismissed.

July 02, 2021

gian

(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No