

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20330-2021 (O&M)

Date of decision: 24.11.2021

Agyapal Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Satbir Gill, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in GD No.20 dated 30.01.2021 under Sections 307, 452, 379, 506, 336, 148, 149 IPC and Sections 25/27/54/59 of Arms Act, registered at Police Station Ajnala, District Amritsar Rural, in FIR No.22 dated 28.01.2021 under Sections 302, 307, 452, 323, 429, 148, 149 IPC and Sections 25/27 of Arms Act, registered at Police Station Ajnala, District Amritsar Rural.

While granting interim bail to the petitioner, following order was passed by this Court on 21.05.2021: -

“...Learned counsel for the petitioner inter alia contends that it is a case of version and cross-version in which both the parties received injuries at the hands of each other. He further contends

that a perusal of the FIR in question reveals that no injury has been attributed to the petitioner and the only role attributed to him is that he was present at the spot armed with a double barrel gun. He further contends that in fact it was the other party, who aggressed into their house and caused them injuries leading to the death of their servant-Jagtar Singh. It has also been contended that similarly situated co-accused have since been extended the concession of bail by this Court vide order dated 24.03.2021...”

On 16.09.2021, on asking of learned counsel for the petitioner, learned State counsel was directed to file an affidavit of the Investigating Officer regarding disclosure statement of co-accused as well as other documents.

Learned State counsel, on instructions from SHO Sukhjinder Singh and Investigating Officer/SI Ramandeep Kaur, has submitted that since the investigation is still going on, at this stage, he may be permitted to argue the case, as it has come in the inquiry conducted by the Superintendent of Police that in the CCTV footage, which is installed in own house of petitioner Agyapal Singh, he was seen carrying a double barrel gun in presence of his wife and it will be a matter of investigation whether the bullet fired on deceased Jagtar Singh was in fact fired upon by the accused party in the FIR or by the petitioner himself. It is further submitted that when father of the petitioner was arrested, no police remand was given and he was sent to the judicial custody, therefore, no effective investigation could be conducted for the purpose of recovering the gun, so as to enable the Investigating Officer to conduct a scientific investigation to come to a conclusion as to how and by which weapon, the bullet was fired upon Jagtar Singh, which resulted into killing him. It is also

submitted that as many as two double barrel gun, one pistol and one .315 gun were seen in the CCTV footage and none has been recovered.

Learned State counsel further submits that though the petitioner was directed to join the investigation, however, he is not cooperating and he has not surrendered the weapons, seen in the CCTV, which he was carrying at the time of incident. It is also submitted that inquiry report leads to a conclusion that version given by the petitioner is not correct.

Learned State counsel has requested that though the challan qua Pargat Singh stands presented, however, he is still in judicial custody, therefore, if two days police remand is granted, proper investigation for effecting recovery of weapons can be conducted.

In view of the above, I find no ground to grant the concession of anticipatory bail to the petitioner.

Accordingly, the present petition is dismissed.

However, considering the fact that a request has been made by learned State counsel that after arrest of Pargat Singh, no police remand was given for the purpose of conducting a scientific investigation with regard to recovery of gun, Illaqa Magistrate is directed to re-consider the request of the Investigating Officer for police custody of Pargat Singh for a period of two days.

[ARVIND SINGH SANGWAN]
JUDGE

24.11.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No