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

Date of decision-25.11.2021

1. CRM-M-34213-2021

Major Singh

....Petitioner

Vs.

State of Punjab

...Respondent

2. CRM-M-34316-2021

Iqbal Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. L.S.Sidhu, Advocate for the petitioners.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioners have filed this petition under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.18 dated 26.01.2019 under Sections 302, 307, 341, 506, 148 and 149 Indian Penal Code, 1860 and Sections 25, 27, 54 and 59 Arms Act, 1959 registered at Police Station Sadar Tarn Taran.

The FIR was registered on the basis of statement of Gurpreet Singh and the allegations as noticed by the learned Additional Sessions Judge, Tarn Taran in the order dated 02.08.2019 are as under:-

"In brief the case of the prosecution is that on 25.01.2019 Inspector/SHO Gurbinder Singh along with other police officials in a government vehicle Scorpio bearing No.PB-46-J-5369 being driven by HC Bhupinder Kumar in connection with patrolling and search of bad elements were present at T-Point Bypass village Pandori Gola, where complainant of the case, Gurpreet Singh son of Nirmal Singh, resident of village Noordi along with one Hira Singh son of Harbhajan Singh came present and got recorded his statement before Inspector/SHO that he is resident of aforementioned village, Police Station City Tarn Taran. He is a taxi driver by profession. On that day i.e. 25.01.2019 at about 07:00 p.m. he was present in the house of his uncle's son namely Harpreet Singh @ Happy son of Jhirmal Singh, resident of village Noordi and said Harpreet Singh @ Happy received a phone call from Manpreet Singh @ Manna son of Manjit Singh, resident of Manochahal Kalan that a quarrel has took place between him on one side and Raja son of Billu, Akash son of Bittu, Sukhpal Singh son of Bittu, residents of Bakipur on the other due to striking of his vehicle in them and they are giving threats to his life saying that they will not allow him to reach his village Manochahal and they will kill him on the way. As he (complainant) was previously known to said Manpreet Singh @ Manna, who within few minutes riding in his I-20 car Bishan Saroop came to the house of Harpreet Singh @ Happy and he requested them for accompanying for leaving him to his house otherwise Sukhpal Singh and others will kill him. On this, he (complainant) and Harpreet Singh @ Happy, Manpreet Singh @ Manna along with one Lucky resident of Patti sat in I-20 car and other friends of Harpreet Singh namely Harman Singh of Patti, Whisky of Chhina Bidhi Chand, Harbhagwan Singh of Kaji Kot, Sewak Singh of Manochahal, Rupinder Singh of Tarn Taran sat in a Bolero vehicle and two other friends of Harpreet Singh whom he (complainant) did not know sat in some other vehicle. They all were going through villages and when Manpreet Singh @ Manna who was riding in his I-20 car at about 08:00 p.m. reached near brick kiln of village Bakipur where on the road Scorpio Brijia Swift and other vehicles were standing and then in the light of the headlights of their vehicles they saw Raja son of Billu armed with rifle, Akash son of Bittu, Sukhpal Singh son of Bittu, residents of Bakipur and 12/13 other unknown persons who were armed with pistols, rifles and dattars stopped their way. On seeing them, they all (complainant side) came down from their respective vehicles. Then, accused Raja, Akash, Sukhpal Singh with an intention to kill them fired on them. The bullets hit Harpreet Singh @ Happy on his mouth, forehead, head and hand, who fell down on the ground and one bullet hit Manpreet Singh @ Manna. Other accused also with an intention to kill them fired from their respective weapons. They raised raula 'maar ditta maar ditta'. Then all the accused along with their respective weapons riding on their vehicles fled way from the spot. Thereafter, they took Harpreet Singh to Civil Hospital for treatment, where the doctor declared Harpreet Singh brought dead. After leaving relatives near the dead body, he

(complainant) along with relative Hira Singh son of Harbhajan Singh, resident of Noordi was going to inform the matter to the police, but, the police met on the way and he got his statement recorded with the police and accordingly sought suitable action against the culprits behind the incident. On the basis of said statement of the complainant, FIR in the case happened to be registered.”

Learned counsel for the petitioners has argued that the initial version of Manpreet Singh @ Manna does not contain the names of the petitioners, who have been implicated falsely by way of supplementary statement of complainant recorded on 02.03.2019. He submits that the petitioners are willing to join the investigation, therefore, they be released on anticipatory bail.

The prayer is opposed by learned State counsel assisted by ASI Sawinder on the ground that it was mentioned by the complainant that they were attacked by accused persons named in the FIR along with 12/13 unidentified persons. He has referred to the status report dated 07.09.2021 filed by way of affidavit of Preetinder Singh, PPS, Deputy Superintendent of Police, Sub Division Khadur Sahib, District Tarn Taran and argued that the petition for pre-arrest bail filed by the petitioners was dismissed by the Court of Sessions on 02.08.2019 who have already been declared as proclaimed persons vide order dated 31.08.2021.

During the course of hearing, it has not been disputed by learned counsel for the petitioners that the similarly situated co-accused persons have already been arrested. Further, he has failed to give a justifiable reason for approaching this Court after a long delay of two years.

After hearing learned counsel for the parties and considering the above background, as well as the seriousness and gravity of the offence, wherein both sides have suffered injuries, who were armed with fire arm weapons, this Court is of the opinion that it is not a fit case for extending the concession of pre-arrest bail to the petitioners.

Both petitions are dismissed.

25.11.2021

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No