

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-35963-2021 (O&M)

Date of Decision:- 16.12.2021

Narinder Singh

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Baljeet Nain, Advocate, for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by ASI Kuldeep Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.22 dated 29.1.2020 at Police Station Sadar Patiala, District Patiala under Sections 302, 341, 323, 427, 506, 120-B of Indian Penal Code and Section 25 of Arms Act
2. At the time of issuance of interim directions the following order was passed on 2.9.2021:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.22 dated 29.1.2020 at Police Station Sadar Patiala, District Patiala under Sections 302, 341, 323, 427, 506, 120-B of Indian Penal Code and Section 25 of Arms Act.

The FIR in question was lodged at the instance of Gian Singh, wherein it is alleged that on 29.1.2020 when his son Gurdeep Singh @ Deepak alongwith Sukhmanjot @ Sukha and Rinku Ram was going on a motorcycle being driven by him, then his motorcycle was hit by one Innova vehicle from the front side on account of which all the three riders of motorcycle fell down. It is alleged that Ramni Cheeka, Kala Rehda accompanied by 7-8 unknown persons alighted from Innova vehicle and attacked the complainant's son with iron rods and 'kirpans' and also caused injuries to Sukhmanjot @ Sukha and Rinku Ram. It is alleged that another vehicle bearing registration No.HR-20-AB-8787 also came there and from which 3 persons alighted, who were carrying pistols and fired at complainant's son. It is alleged that the said second vehicle was being driven by Mahavir and he was accompanied by Sukhchain Singh @ Sukhi Bhalwan (wrestler), who was sitting on the front seat and that Jagdeep Singh @ Kala Body was sitting on the rear seat alongwith Nirmal Singh. Complainant's son died on account of the firearm injuries sustained by him.

Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and infact when the complainant got his supplementary statement recorded on 18.12.2020, he further named Manpreet @ Khan, Ram Bhagat @ Sanju, Kuldeep Singh and Sandeep Singh @ Soni Sidhu amongst the unknown persons and again the name of the petitioner was nowhere in the said supplementary statement.

Learned counsel for the petitioner submits that after about 10 months of the registration of the FIR, the police claims to have recorded a disclosure statement of one Kuldeep Singh, wherein he has named the petitioner also as an assailant. Learned counsel submits that the only evidence against the petitioner is in the nature of a disclosure statement, which would hardly carry any evidentiary value in the absence of any other clinching evidence. Learned counsel has further submitted that some other co-accused including Sandeep Singh @ Soni, who were named in the supplementary statement, have already been granted anticipatory bail vide orders dated 19.2.2021 (Annexure P-1) and 10.3.2021 (Annexure P-2).

Notice of motion for 16.12.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. The learned State counsel, upon instructions from ASI Kuldeep Singh, has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and that his custodial interrogation is not required. It has also been informed that the petitioner is not wanted in any other case.
4. In view of the aforesaid submission, the petition is accepted and the interim directions issued by this Court vide order dated 2.9.2021 are

hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

16.12.2021

Mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No