

105 **Parabhjit Singh v. State of Punjab**

Present:- Ms. Kamaldeep Kaur, Advocate,
for the petitioner in CRM-M-36064-2020.

Mr. Jatinder Nagpal, Advocate
for the petitioners in CRM-M-37037-2020 and
CRM-M-40246-2020.

Mr. Jagjit Singh Sarao, Advocate,
for the petitioner in CRM-M-37511-2020.

Mr. Shaurya Puri, Advocate, and
Mr. Preetinder Singh Ahluwalia, Advocate,
for the petitioner in CRM-M-39380-2020.

Mr. Anant Bir Singh, Advocate,
for the petitioner in CRM-M-40164-2020.

Mr. Navjot Singh Wahniwal, Advocate,
for the petitioner in CRM-M-42412-2020

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Case heard via video conferencing.

CRM-M-37037 of 2020 and
CRM-M-39380 of 2020

Though short replies by way of affidavits of the DSP, Sub Division, Samana, dated 01.02.2021, are on record, however learned counsel appearing for both the petitioners in these cases submit that they have not received copies thereof.

Firstly, of course, copies of the replies filed in both these petitions shall be supplied to learned counsel for the petitioners; further, at least a preliminary perusal of the said replies as are available on the court file, does not reveal that the query put by this court vide its order dated 28.01.2021 has been answered, as regards why the two petitioners herein, i.e. Taranpreet Singh @ Preet Saini and Harvinder Singh Mahal, have been arraigned as accused when other

accused who are stated to have got out from the same cars as they did, were found to be innocent by the police.

A specific affidavit answering that query be positively filed by a gazetted officer at least one week before the next date of hearing, with an advance copy thereof to both counsel for the petitioners, failing which the SSP, Patiala, shall have to be summoned to court.

**CRM-M-36064 of 2020, CRM-M-37511 of 2020,
CRM-M-40164 of 2020 and CRM-M-42412 of 2020**

By these petitions, the petitioners seek the concession of 'regular bail' under the provisions of Section 439 of the Cr.P.C., upon FIR no.50, dated 06.05.2020, having been registered at Police Station Passiana, District Patiala, alleging therein the commission of offences punishable under Sections 302, 307, 326, 324, 323, 341, 506, 148, 149 and 188 of the IPC as also Sections 51 and 54 of the Disaster Management Act, 2005, with Sections 188 and 120-B of the IPC and Section 3(2), (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, added later.

All learned counsel appearing for these petitioners submit that as regards the role attributed to these petitioners, they are not different from the roles attributed to their co-accused, i.e. Loverpreet Singh @ Lovely and Amritpal Singh @ Khassa, both of whom were admitted to bail vide an order of this court (co-ordinate Bench) dated 29.10.2020, upon them having filed petitions bearing CRM-M-32016 and 28917 of 2020 respectively.

A perusal of that order (copy Annexure P-4 with CRM-M-40164 of 2020) shows that they were admitted to bail on the ground that, firstly, they were named only in the supplementary statement and not initially in the FIR and further, though the deceased was stated to have died due to excessive bleeding caused by

stab wounds, the said two co-accused, i.e. Loverpreet Singh @ Lovely and Amritpal Singh @ Khassa were found to be armed with an iron rod and a *danda* respectively, i.e. “blunt edged weapons”.

They were thus admitted to bail they having been in custody for about 5 months at that stage.

As regards Satgur Singh @ Laddi and Gurpreet Singh @ Talli (petitioners in CRM-M-37511 and 40164 of 2020), as per the report under Section 173 of the Cr.P.C. (copy Annexure P-2 with the said petition), they are also shown to be armed with a *danda* and a *Soti* respectively.

Parabhjit Singh (petitioner in CRM-M-36064 of 2020) was shown to be armed with a *danda*.

(Though in the report filed under Section 173 Cr.P.C. the petitioner in CRM-M-36064 of 2020 has been shown to be Prabhdeep Singh son of Avtar Singh, however learned counsel for the petitioner submits that actually his name is Parabhjit Singh son of Avtar Singh and therefore the name is erroneously shown; otherwise in any case with there being no other person either with the name of Prabhdeep Singh or Parabjit Singh shown as an accused either in the FIR or in the report eventually submitted under the provisions of Section 173 of the Cr.P.C.)

Learned State counsel has also not denied that the roles of these three petitioners, i.e. Parabhjit Singh, Satgur Singh @ Laddi and Gurpreet Singh @ Talli, are similar to Loverpreet Singh @ Lovely and Amritpal Singh @ Khassa.

That being so, without making any comment on the actual merits of the case, since similarly placed co-accused have already been admitted to bail by this court in October 2020, with the aforesaid three petitioners having been in custody for the past about 7 months (since May 2020), their petitions are allowed, with them ordered to be admitted to bail to the satisfaction of the trial court.

As regards the petitioner in CRM-M-42412 of 2020, i.e. Gurpreet Singh @ Gopi, Mr. Wahniwal, learned counsel appearing for him, points to the order passed by this court (co-ordinate Bench) dated 07.12.2020, in the case of Gurkirpal Singh @ Goldy who had filed CRM-M-39786 of 2020, to submit that he too was shown to be armed with a sword but was admitted to bail on the ground that he was only named in the supplementary statement.

For learned counsel for the petitioner to point out as to what the exact role of the petitioner was, since he is unable to do so today, adjourned to 09.03.2021.

CRM-M-40246 of 2020

By this petition, the petitioner seeks to be admitted to anticipatory bail under the provisions of Section 438 of the Cr.P.C., in the context of the same FIR.

On 04.12.2020, the following order had been passed by this court in the present petition:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioner seeks the concession of anticipatory bail, upon FIR no.50, dated 6.5.2020, having been registered at Police Station Pasyana, District Patiala, alleging therein the commission of offences punishable under Sections 302/307/323/326/324/341/188/506/148/149 of the IPC and Sections 51 and 54 of the Disaster Management Act, 2005 (with Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 having been added later on).

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and has been allegedly named as one of the accused in a supplementary statement made by another accused and in fact the petitioner was 20 kms away from the spot when the

occurrence took place.

Notice of motion.

Mr. Ramdeep Partap Singh, learned DAG, Punjab, accepts notice at the asking of the court.

He does not deny, as per instructions received by him so far from SI Sohan Singh, that the petitioner was named subsequently and is not named in the FIR, which obviously is also evident from a perusal of the FIR.

That being so, without making any comment on the actual merits of the case, the petitioner is directed to join investigation within one week and upon him so joining if he is sought to be arrested, he shall be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

He shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the investigating officer does not actually join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation, in terms of the order of this court.

Adjourned to 16.12.2020.

To be heard alongwith CRM-M-36064 of 2020.

A gazetted officer is directed to file a common reply to all the connected petitions, giving therein the role of each of the petitioner in all such petitions, specifically stating therein also as to the number of vehicles and the kind of vehicles that are stated to have come to the spot where the alleged murder took place, and the number of people who are stated to have alighted from such vehicles.”

Though a detailed reply has been filed to this petition giving therein the entire version of the occurrence, including the roles of each accused therein, however nothing has been pointed out even by learned State counsel from the said

reply, that the role of the petitioner in this case, i.e. Karamjeet Singh @ Karampreet Singh, son of Sikander Singh, is any different to the three persons who have been admitted to bail (under the provisions of Section 439 of the Cr.P.C.) today, and the two others who were earlier admitted to bail on 29.10.2020, with the present petitioner also having been shown to have been named in the supplementary statement, armed with a *Soti*.

However, learned State counsel submits that, as per the instructions of SI Sohan Singh, the petitioner was in fact found to be at the place of occurrence as per his call details records (though learned counsel for the petitioner had earlier stated that he was 20 km. away and today submits that he was 32 km. away from the spot), with he and his co-accused, Manjeet Singh, being in telephonic conversation with each other.

He further submits that, as per his instructions, though the petitioner has joined investigation pursuant to the order dated 04.12.2020, he was not co-operating with the investigation.

A gazetted officer is again directed to file an affidavit showing therein the investigation conducted as regards the petitioners' presence on the date and time of the occurrence and as regards the time and date of his telephonic conversations with the aforesaid Manjeet Singh. Call details records obtained on that date be annexed alongwith.

Learned counsel for the petitioner submits that in fact he has not even been supplied a copy of the reply dated 01.02.2021.

Naturally, learned State would ensure that the same is supplied to him within three days and the affidavit which is still to be filed, would also be given to him at least three days in advance of the next date of hearing.

It is made again clear that if the affidavit as referred to in this case

also, is not filed at least three days in advance of the next date of hearing, with the copy thereof to counsel for the petitioner, the SSP, Patiala, shall be summoned to court.

Adjourned to 09.03.2021.

Interim order to continue till the next date of hearing.

To be shown in the urgent motion list.

A photocopy of this order be also placed on the file of the other connected case.

February 19, 2021
dinesh/

(AMOL RATTAN SINGH)
JUDGE