

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

-.-

CRM-M-37774-2020

Date of Decision: 18.01.2021

Gagandeep Singh @ Gagandeep Sharma @ Guggu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Ramandeep Singh Gill, Advocate for the petitioner
Mr. Naveen Singh Panwar, DAG Haryana

ALKA SARIN, J.

This is the second petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail to the petitioner in FIR No.0441 dated 26.12.2019 under Sections 307, 506, 34, 120-B IPC, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station Pinjore, District Panchkula. The first petition for grant of bail [CRM-M-27567-2020] was dismissed as withdrawn on 14.10.2020.

In the FIR lodged by Sanjit Kumar s/o Ramu Paswan it is averred that he is working as labour in the godown of Sri Khatu Shyam Traders since the past 5-6 months and the owner of the godown is Purshottam Lal. The owner has made his office with glass door outside the godown and the door of the office opens towards the main road. Today on 26.12.2019 when I and my co-worker Irfan s/o Ibrahim reached the godown at around 4.30 pm after loading tractor-trolley, we discovered many persons standing outside the office and

there were bullet marks on the glass of the office. I learnt from the crowd that 3-4 boys had come in a car and with an intention to kill our owner Purshottam Lal they stood outside the office and started firing at the office glass and after sticking a note in Punjabi language on the office glass they fled. One bullet struck the glass door and one on the door frame. Earlier also on 24.12.2019 3-4 boys took rupees twenty thousand from our owner after showing him arms. Today also unidentified boys attempted to kill our owner by firing but he was saved as he was not in the office.

Counsel for the petitioner has contended that the petitioner has been falsely implicated in the case, he has not been named in the FIR, he was arrested on the basis of a confessional statement given by a co-accused and that he has been behind bars since 29.01.2020. Counsel for the petitioner has further argued that the report under Section 173 CrPC has already been presented and nothing is to be recovered from the petitioner.

The State counsel has filed a status report dated 04.12.2020 which is by way of affidavit of Mukesh Kumar, HPS, Assistant Commissioner of Police, Kalka stating that for the incident of 24.12.2019, on the complaint of Purshottam Lal, FIR No.437 under Sections 392, 452 and 120-B IPC and Sections 25, 54 and 59 of the Arms Act was registered at Police Station Pinjore against unknown persons. During the investigation of that FIR accused Dilpreet Singh @ Baba s/o Onkar Singh was arrested on 16.01.2020. He disclosed that on 26.12.2019 accused Gagandeep Singh @ Shabi (present petitioner), Gurbhej @ Bheja, Vikramjeet @ Vicky were contacted through his mobile and asked to threaten Purshottam Lal to withdraw

FIR No.437, and to paste threatening letter at his office and fire and, if he did not withdraw the case, shoot him i.e. Purshottam Lal. As per the direction of Dilpreet Singh @ Baba, Gagandeep Singh @ Shabi (present petitioner), Gurbhej @ Bheja, Vikramjeet @ Vicky and one friend of Vikramjeet Singh, whose name is not known, pasted a threat letter on the shop of Purshottam Lal and with the intention to kill him fired many shots. On the disclosure statement of Dilpreet Singh @ Baba the petitioner was arrested on 29.01.2020. During investigation the petitioner disclosed that on 26.12.2019 Dilpreet told him through his mobile to paste threatening letter and fire shot on the shop of Purshottam Lal and for this purpose he alongwith Vikramjeet Singh @ Vicky, Gurbhej @ Pheja and a friend of Gurbhej had gone to the shop of Purshottam Lal in a Honda City car. At that time Vikramjeet Singh @ Vicky, Gurbhej @ Pheja and the friend of Gurbhej were with country made pistol and the threat letter was pasted outside the shop of Purshottamby Vikramjeet Singh @ Vicky and many shots were fired by Vikramjeet Singh @ Vicky, Gurbhej @ Pheja and the friend of Gurbhej with the intention to kill him. The status report further states that the pistol used in the crime was recovered by the Punjab Police and is to be taken into possession from them. The car used in the crime was also recovered by the Punjab Police and is with the original owner on Superdari and is to be taken into possession. While Gurbhej Singh @ Pheja has been arrested, Vikramjeet Singh @ Vicky and Kuljeet Singh @ Shiva are yet to be arrested. According to the status report, the petitioner is involved in the crimes under FIR No.437 dated 24.12.2019 (PS Pinjore), FIR No.438 dated 24.12.2019 (PS Pinjore) and FIR No.5 dated 14.01.2020 (PS Anandpur Sahib).

The status report also states that the report under Section 173 CrPC against the accused Dilpreet Singh @ Baba and the petitioner was submitted on 14.04.2020 while a supplementary report was submitted on 06.11.2020.

I have heard learned counsel for the parties. The status report submitted by the State discloses that the petitioner was part of a group which has been accused of offences under Sections 307, 506, 34, 120-B IPC, 1860 and Section 25 of the Arms Act, 1959. His role is being investigated in atleast three more FIRs by both the Haryana Police as well as the Punjab Police. Two members of this group (Vikramjeet Singh @ Vicky and Kuljeet Singh @ Shiva) are yet to be apprehended. The group members have access to illegal arms. Moreover, counsel for the petitioner has not explained as to what circumstances have changed since the dismissal (as withdrawn) of his first bail application vide order dated 14.10.2020.

Considering the totality of the circumstances I do not find this to be a fit case for grant of regular bail to the petitioner. The petition is dismissed.

It is, however, made clear that no part of this order may be taken to be as an expression of opinion of the Court on the merits of the case.

18.01.2021

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No