

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

216

CRM-M-40048-2020 (O&M)

Date of Decision: 27.10.2021

Paramjit Singh @ Pamma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. G.S.Kaura, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Balvir Singh.

Mr. Sartej Singh Narula, Advocate,
for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.49 dated 08.05.2020 at Police Station Subhanpur, District Kapurthala, under Sections 302/307/34 IPC and Sections 25/27 of the Arms Act.
2. The FIR was lodged at the instance of Pardip Singh, wherein it is alleged that on 07.05.2020 at about 9:30 PM, he alongwith his fellow friends/Kabaddi players, namely, Arvinder Jit Singh, Balraj Singh Padda, Gurjit Singh and Mangal Singh was going in Endeavor vehicle driven by Maninder Singh. While they were near Bus Stand Lakhan Ke Paddey, they noticed a grey coloured

car parked by the side of the road which had curtains fixed on the rear wind-shield. The complainant and others, finding it rather suspicious, parked their Endeavor vehicle near the said car, but the occupants of the said car immediately sped it towards the village. The complainant and other chased the said car and were able to intercept the same a little short of the *phirni* of the village. When the complainant and his friend Arvinder Jit Singh alighted from their vehicle, they found that Paramjit Singh, who is employed in the Police, was in the car and was carrying a revolver and who immediately started firing at the complainant and at Arvinder Jit Singh without asking any question. The bullets hit Arvinder Jit Singh on his chest and also hit the complainant on his shoulder and his abdomen. It is further alleged that when the complainant and Arvinder Jit Singh tried to save themselves by going behind their vehicle, then one Mangu alighted from the car and raised a *lalkara*. The complainant and others later went to SGL Hospital, Mustafabad to take medical treatment. However, due to serious condition of Arvinder Jit Singh, he was not admitted in SGL Hospital, Mustafabad and shifted to Capital Hospital, Jalandhar, where he was declared dead.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that even as per the FIR, it is the complainant party, which without any reason had chased the vehicle of the petitioner and had intimidated him and that it was when the complainant and others tried to search the petitioner's car

that he opened fire in self-defence. Learned counsel has further submitted that in fact there is no medical evidence to establish that the deceased had lost his life on account of any shot having been fired from the revolver of the petitioner. Learned counsel has further submitted that in fact there is CCTV footage, which would clearly show that the petitioner is innocent. It has also been submitted that even if the allegations as leveled in the FIR are taken to be correct, no offence under Section 302 IPC would be attracted and at best it would be an offence falling under Section 304 IPC.

4. Opposing the petition, learned State counsel assisted by learned counsel representing the complainant has submitted that the petitioner is not only specifically named in the FIR, but it is the petitioner, who is attributed specific role of firing at the deceased as well as the complainant and in these circumstances, his complicity is clearly evident. Learned counsel for complainant has further submitted that in fact even as per the report of the FSL, the bullets recovered from the body of the deceased and also from the body of the injured have been found to have been fired from the revolver of the petitioner and it would fully substantiate the allegations leveled in the FIR.
5. I have considered rival submissions addressed before this Court.
6. A perusal of the FIR does clearly indicate that there are specific and crisp allegations against the petitioner of having fired at the deceased and the complainant. The said allegations virtually stand

substantiated from the report of the FSL. The allegations further stand aggravated from the fact that the petitioner happens to be a member of the disciplined force who has himself indulged in violence to the extent of murdering somebody. The facts as disclosed from the FIR would prima facie make out a case under Section 302 IPC and not an offence punishable under Section 304 IPC as contended on behalf of the petitioner.

7. In view of the aforesaid discussion, no ground for grant of bail is made out. The petition is sans merit and is hereby dismissed.
8. It is, however, made clear that none of the observations made above shall be taken to be an expression on merits of the main case.

27.10.2021

Vimal

(GURVINDER SINGH GILL)
JUDGEWhether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**