

105 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47514-2021
Date of Decision: 25.11.2021

HARPREET SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondents

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Gurmeet Singh Saini, Advocate for petitioner
Ms.Gunkirat Kaur, AAG Punjab

Deepak Sibal, J. (Oral)

The matter has been taken up through Video Conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.141 dated 23.07.2021 under Sections 302, 148, 149 IPC and Sections 25 and 27 of Arms Act, 1959 registered at police station Dharmkot, district Moga.

Briefly stated, the case of the prosecution is that on 22.07.2021, at about 4.00 p.m., Sanjeev son of Lakha Singh took the complainant's brother Guravtar Singh towards Kamalke; the complainant got suspicious and followed them; at about 6.30 p.m. when Sanjeev and Guravtar Singh reached near Satluj bridge, Singhpur, the petitioner and his co-accused, duly armed, raised *Lalkaras* to not spare them and upon this co-accused Jaswant Singh @ Jassi fired a shot with his gun which hit Guravtar Singh resulting in his death at the spot. The motive behind the murder was that Jaswant Singh @ Jassi, along with his companions, used to commit illegal activities in the village to which the complainant and his brother had

objected to.

After registration of the FIR Jaswant Singh @ Jassi was arrested who disclosed that the petitioner was one of the persons who accompanied him when he murdered Guravtar Singh. The complainant also got recorded a supplementary statement in which he specifically named the petitioner to be one of the persons who were duly armed and present along with Jaswant Singh @ Jassi when his brother was murdered.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; there is no other criminal case pending against the petitioner; the petitioner was not named in the FIR; the only evidence against the petitioner is the disclosure statement of a co-accused in police custody which has no evidentiary value; the petitioner has been nominated in the supplementary statement of the complainant only as an afterthought; no recovery is required to be made from the petitioner and that the petitioner is also ready and willing to join investigation as and when called by the investigating agency.

As per the case of the prosecution Jaswant Singh @ Jassi along with his co-accused, which included the petitioner and who was duly armed, due to previous enmity attacked the complainant's brother. In the course of such attack Jaswant Singh @ Jassi fired a shot with his gun killing Guravtar Singh at the spot. After his arrest, Jaswant Singh @ Jassi has specifically named the petitioner to be one of his accomplices. The supplementary statement by the complainant also specifically names the petitioner to be one of the persons who were duly armed and who accompanied Jaswant Singh @ Jassi at the time of Guravtar Singh's murder.

In the light of the above serious allegations against the

petitioner which caused Guravtar Singh's murder no ground is made out to grant the petitioner concession of anticipatory bail.

Dismissed.

It is clarified that the above observations have been made only for the limited purpose of deciding the present anticipatory bail application and the same would not be construed to be an expression of opinion on the merits of the case.

25.11.2021

gk

(Deepak Sibal)
Judge

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