

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 104

Criminal Miscellaneous No.M-50797 of 2021
Date of Decision: December 06, 2021

Gurpreet Singh @ Gopi

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE SANT PARKASH**

. . .

PRESENT: - Mr. Karamjit Singh, Advocate, for the petitioner.

. . .

Sant Parkash, J

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.70 dated 25.07.2021 under Section 302 read with Section 34 IPC and Sections 25, 27 of the Arms Act, registered with Police Station, Khuhi Khera, District Fazilka.

Notice of motion.

Mr. Tanvir Joshi, Assistant Advocate General, Punjab accepts notice on behalf of respondent – State of Punjab. Mr. A.S. Manaise, Advocate, has put in appearance on behalf of the complainant and filed power of attorney.

Let complete copy of the petition be handed over to counsel for the respondents during the course of the day.

The present FIR has been registered on the statement of Virsa Singh (complainant) with the allegations that on 25.07.2021 a scuffle took place between complainant and accused party when petitioner's father Jaswinder Singh @ Jassa started spraying his paddy crop, adjoining the land of complainant. Thereafter, petitioner – Gurpreet Singh @ Gopi son of Jaswinder Singh reached the spot on a bullet motor cycle and started abusing the complainant by alleging that his leg was fractured by them on a previous occasion. Jaswinder Singh @ Jassa took out his licensed Revolver and fired at complainant's son Pushpinder Singh @ Pinda, hitting his stomach and chest. Jaswinder Singh and petitioner – Gurpreet Singh @ Gopi also scuffled with Gurjeet Singh and Gurwinder Singh who came to rescue the complainant party. Pushpinder Singh @ Pinda was immediately taken to Civil Hospital where he succumbed. Matter was reported to the police and investigation was set in motion.

Learned counsel for the petitioner has contended that a false case has been registered against the petitioner. There is no attribution of active participation. He has been arrayed as accused only because he is the son of main accused Jaswinder Singh @ Jassa. Only Lalkara is attributed to the petitioner that too by recording a supplementary statement of complainant.

Learned counsel for the State assisted by learned counsel for the complainant has contended that it was a well planned murder. After initial arguments with the complainant, Jaswinder Singh went to his house to fetch his weapon, whereafter Jaswinder Singh and petitioner reached the spot on a motor cycle and with a common intention killed Pushpinder Singh @ Pinda by firing.

I have heard learned counsel for the parties and perused the record.

It is not disputed that complainant's son lost his life in the scuffle on the day of occurrence, on account of fire arm injury. Though petitioner did not fire the shot but he was present at the spot with his father and shared the common intention. Lalkara is attributed to him also. An unerring conclusion can be drawn that he prompted his father to go ahead in commission of crime. The contents of FIR clearly show that though petitioner did not fire but allegations show his active participation in the commission of crime. The circumstances not only constitute a grave offence but also call for his custodial interrogation to unearth the true facts.

In view of what has been discussed above, I do not deem it a fit case to grant anticipatory bail to the petitioner. Finding no merit in the present petition, the same is hereby dismissed.

**(Sant Parkash)
Judge**

December 06, 2021
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No