

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

**CRM-M-49001 of 2019
Date of Decision: 12.03.2021**

Amritpal Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sunny Saggar, Advocate for the petitioner.
Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

The petition under Section 438 Cr.P.C. is for grant of anticipatory bail in case of FIR No. 133 dated 27.8.2018, under Sections 302, 427, 148, 149 IPC; Section 25 of the Arms Act, 1959; Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 vide Rapat No. 28 dated 3.9.2018 and Section 380 IPC added vide Report No. 19 dated 17.9.2019, and cross-case vide Rapat No. 15 dated 30.8.2018, under Sections 302, 307, 427, 148, 149 and Section 25 of the Arms Act, 1959 registered at Police Station Goindwal Sahib, District Taran Taran.

The facts are that an FIR No. 133, dated 27.08.2018 under Sections 302, 148, 149, 427 (307, 201, 380 added later on) of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 were registered at Police Station Goindwal Sahib, District Tarn Taran and a cross DDR No.15, dated 30.08.2018 under Sections 302, 307, 427, 148 and 149 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 was recorded. The FIR was lodged on 27.08.2018 at the instance of

Sukhwinder Kaur. Gurjant Singh son of the complainant left his house along with Bittu in his car for an urgent work. When the complainant was coming from Gurdwara Bauli Sahib, she saw Gurjant Singh with Sahilpreet Singh in his Hyundai i-20 car bearing registration No. PB-02CU-9041. Little later, she saw Thar vehicle bearing registration No. CG-04HK-0086 driven by Iqbal Singh @ Afridi. There was another car following the Thar in which the occupants were Prabhjit Singh, Rubal, Robanjit, Kulwinder Kaur Patwaran, Gursewak Singh @ Bambh and Pargat Singh to whom she knew because of her son. The Thar came in front of Hyundai i-20 car and stopped it. A lalkara was raised for teaching lesson to Sahilpreet Singh for contesting the gram panchayat elections for the post of Sarpanch against Prabhjit Singh. Iqbal Singh @ Afridi fired shots which hit the wind shield of the Car. Sahilpreet Singh and Gurjant Singh got down from the car to save themselves, they were shot at by Iqbal Singh @ Afridi and his companions. Gurjant Singh received wound on his head. Sahilpreet Singh and a passerby also received injuries. The occupants of the car following the Thar also fired, resultantly, Arshpreet Singh received the fire injury. Afridi was also injured in the firing. Gurjant Singh was taken to Guru Nanak Dev Super Specialty Hospital, Tarn Taran, where he was declared dead. Sahilpreet Singh, Arshpreet Singh and passerby also lost their lives due to injuries sustained.

The DDR was recorded on the basis of statement of Ravinder Iqbal Singh. On 27.08.2018 at 5:30 p.m., he went to Gurdwara Bauli Sahib on his motorcycle. After parking the motorcycle, he went towards Gurdwara Sahib. Then two black Scorpio cars came whose registration number he could not read. In one of the Scorpio, Gurlal Singh, Harpal Singh @ Bittu and 4-5 unknown persons were sitting. In the second Scorpio, Jagroop Singh, Amritpal Singh and Manjit Singh @ Manna and 4-5 other unknown persons were there. They were armed with deadly weapons i.e. .315 bore rifle, 12 bore revolver and pistol. There was one Hyundai i-20 car bearing registration No. PB-02CU-9041 driven by Sahilpreet Singh. Gurlal Singh raised lalkara that Rubal should be taught a lesson for joining Afridi gang. Iqbal Singh @ Afridi came in Thar Jeep

bearing registration No. CH-04HC-0086 from Fatehabad side and Arshpreet Singh was sitting with him. There were 4-5 more vehicles behind him in which Prabhjit Singh Malhi, Robanjit Singh and Gursewak Singh @ Bob, Pargat Singh and 4-5 armed persons came to protect Ravinder Iqbal Singh. Gurlal Singh fired 3-4 shots. One of the shot hit left plank of the complainant. He ran towards Gurudwara Bauli Sahib, thereafter, there was heavy firing between both the groups. Arshpreet Singh fired from his .315 bore rifle which hit on the chest of Arshpreet Singh. The shots fired by Gurlal Singh hit the passerby whose name was Dalbir Singh. Gurjant Singh and Sahilpreet Singh received fire shots injuries. Thereafter, both the groups escaped and Sahilpreet Singh dragged himself towards his Car during which his pistol fell down. The injured were taken to various hospitals. The motive behind the occurrence was that Gurlal Singh had slapped and thrashed father of the complainant while Sahilpreet Singh and Gurjant Singh were his accomplices and it was only for showing their strength that the incident took place.

On 19.11.2019, the following order was passed by this Court:

“Learned counsel for the petitioners (in these two petitions) submits that as a matter of fact the cross-version to the FIR in which the petitioners have been arraigned as accused, was an after thought, with Arshpreet Singh having died due to the discharge of a firearm actually fired by the accused in the FIR registered at the instance of the petitioners.

Notice of motion, returnable on 19.12.2019.

In the meanwhile, upon the petitioners (in these two petitions) joining investigation and complying with all conditions stipulated in Section 438(2) of the Cr.P.C., if they are sought to be arrested, they shall be released on bail, on their furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaq Magistrate.

If the investigating officer does not actually upon the petitioners in investigation, they would appear before the leaned Illaq Magistrate immediately, who would then

summon the arresting officer and direct him to join them in investigation, in terms of the order of this Court.”

Learned counsel for the petitioner submits that the petitioner has neither been attributed any specific injury nor there is any allegation that he actually used the firearm. He further submits that the petitioner joined the investigation.

Learned counsel for the State, on instructions from SI-Pawan Kumar, submits that the petitioner joined the investigation and no weapon is to be recovered as the same was recovered from the place of the incident.

In view of the above, the interim bail granted vide order dated 19.11.2019 is made absolute.

The petition stands disposed of.

**[AVNEESH JHINGAN]
JUDGE**

12th March, 2021
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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | No |