

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

I. CRM-M-2625-2020
Date of decision: May 23, 2022

Harmeet Singh @ Babbu
.....Petitioner
Versus
State of Punjab
.....Respondent

II. CRM-M-2340-2020

Jaspreet Singh @ Pitti
.....Petitioner
Versus
State of Punjab
.....Respondent

III. CRM-M-21383-2020

Jashanpreet Singh @ Jashan
.....Petitioner
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.P.S. Sidhu, Advocate
Mr. Monty Goyal, Advocate and
Mr. G.S. Ghuman, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Pushpinder Kaushal, Advocate
for L.Rs of the complainant.

ARVIND SINGH SANGWAN, J.

Prayer in petitions, i.e. CRM-M-2625-2020, CRM-M-2340-2020 and CRM-M-21383-2020 filed by petitioners is for grant of regular bail to them in FIR No. 69 dated 25.3.2019 under Sections 302, 323, 148, 149, 120-B IPC, registered at Police Station Samrala, Police District Khanna, District Ludhiana.

At the very outset, counsel for petitioner-Jashanpreet Singh @ Jashan in CRM-M-21383-2020, after arguing the matter at length and finding the Court not inclined to grant the concession of bail to the petitioner, has stated that he does not want to press this petition.

Dismissed as not pressed.

As per the allegations in the FIR registered at the instance of Ravinder Singh @ Sonu aged about 38 years, it is stated that he is an agriculturist and his mother Ranjit Kaur is present Sarpanch of the village. In the election, Manjit Kaur, previous Sarpanch, wife of Harjinder Singh lost the election and, therefore, Harjinder Singh was nursing a grudge with his family. Apart from this Gurpreet Singh @ Laddi r/o of Gehlewal, Police Station Samrala is not having good terms and for a football tournament, a poster was pasted in the village, however, someone has torn the poster on 24.3.2019. When complainant Ravinder Singh @ Sonu along with his brother Gurpreet Singh @ Gura were coming back from the fields and reached near the shop of Gurjit Singh r/o Seh then Jashanpreet Singh @ Jashan Singh s/o Harvinder Singh @

Gola, Harvinder Singh @ Gola, Nikku, Amna, Binder, Babbu Panch (petitioner-Harmeet Singh @ Babbu), Gurmeet Singh, Vicky, Jagdip Singh @ Dhuchi, Pitti (petitioner-Jaspreet Singh), Gurpreet Singh @ Goda, Harjinder Singh and Simru were present and carrying sharp edged weapons. They attacked on Gurpreet Singh @ Gura with their respective weapons. Harvinder Singh @ Gola, Simru and Nikku caused head injuries with sharp edged weapons. In the meantime, his mother Ranjit Kaur came there and raised voice and then the accused ran away on the cars and motorcycles. The injured was taken to the hospital, where he died.

Counsel for petitioner-Harmeet Singh @ Babbu submits that there are no direct allegations against the petitioner either in the FIR or in the statement of PW1 Ranjit Kaur, mother of the deceased.

A reference is made to the said statement to submit that this witness has identified Simarnjit Singh @ Simru, Gurpreet Singh @ Nikku, Jashanpreet Singh @ Jashan, Harvinder Singh @ Gola and petitioner-Jaspreet Singh @ Pitti, Deep Karan Singh as well as Harmail Singh and Bharpur Singh by saying that they were involved in the incident but she could not identify them by their names. Later on, application under Section 319 Cr.P.C. was moved for summoning some additional accused and the same is pending.

Counsel for petitioner-Jaspreet Singh @ Pitti has also raised similar arguments.

The common arguments are that the petitioners are in custody for the last more than 03 years and the trial will take some time in its conclusion.

Learned State counsel, on the basis of the affidavit of DSP, Samrala assisted by the counsel for the complainant has, however opposed the prayer.

After verifying the facts of the case, it is stated that during investigation, one baseball bat was recovered from Jashanpreet Singh @ Jashan and it also came in investigation that Babbu Panch is, in fact, petitioner Harmeet Singh son of Gurmeet Singh and is a prime accused. From this accused also a baseball bat was recovered. It is also stated that even from the other accused recovery was effected and there is a motive behind the incident as mother of the deceased Ranjit Singh was the elected Sarpanch and the accused belongs to the other faction, who lost the elections. It is also stated that on account of a football tournament some posters were put on the bridge which were later on torn and the accused thought that it was the deceased, who had torn the same and on that account, they attacked them and committed the murder.

Learned State counsel further submits that as per the postmortem report, there are 9 injuries, out of which there is one incised wound of 8x2 cm on the parietal area towards left ear with fracture of parietal bone and an incised wound of 18x3x5cm on his occipital region

with fracture of occipital bone missing, brain matter coming out of the wound and one serious injury is incised wound above right ear temporal region 6x2x2 cm with fracture of temporal bone.

Learned State counsel further submits that the accused pre-meditated mind and caused multiple head injuries on the deceased, who died thereafter.

Counsel for the complainant has submitted that not only this, the subsequently, the real brother of the deceased, who is the eye-witness-complainant of the present FIR, i.e. Ravinder Singh @ Sonu has also been murdered so as to deter him from appearing in the Court as a witness and in this regard FIR No.151 dated 11.08.2020 under Sections 302, 120-B, 148, 149 IPC and 27 of the Arms Act was registered at Police Station Samrala.

Learned State counsel has submitted that the petitioner Harmeet Singh @ Babbu is also involved in a number of other FIRs which are as under :-

1. FIR No.26 dated 2.2.2014 under Sections 302, 307, 427, 148, 149, 25/27, registered at Police Station City Khanna;
2. FIR No.216 dated 19.6.2009 under Sections 323/24, 427, 148/149, registered at Police Station Sadar Khanna.
3. FIR No.111 dated 6.6.2013 under Sections 382, registered at Police Station Khanna;

4. FIR No.109 dated 23.4.2010 under Sections 323/24, 427/148/149, registered at Police Station Samrala;
5. FIR No.155 dated 7.8.2012 under Sections 336/307/160/148/149, registered at Police Station Samrala;
6. FIR No.191 dated 19.5.2013 under Sections 323/24, 427, 148/149, registered at Police Station Samrala;
7. FIR No.121 dated 19/3.2013 under Section 25, registered at Police Station Sadar Khanna;
8. FIR No.210 dated 20.10.2016 under Sections 341/307/323/324/506/379-B/427/148/149, registered at Police Station Samrala;
9. FIR No.53 dated 11.5.2013 under Sections 307/341/506/148/149/427/25, 27, registered at Police Station Payal; and
10. FIR No.164 dated 25.7.2019 under Sections 307/323/324/379-B/341/506/148/149/427/25/27, registered at Police Station Samrala.

Learned State counsel further submits that the accused persons are having criminal antecedents and not only they have murdered brutally the deceased Gurpreet Singh @ Gura, but later on, even his brother-Ravinder Singh @ Sonu-complainant, in the present FIR, have also been murdered. Both the brothers were of young age and now, the life of their mother Ranjit Kaur, who is an eye-witness in both

the incidents is at stake and if the bail is granted there will be serious security threat to her life.

After hearing learned counsel for the parties, considering the antecedents of the petitioners as well as considering the fact that as per the allegations in the FIR Gurpreet Singh was murdered in a very brutal manner and after some time, even his brother was murdered. Though the petitioners are not directly named in the second FIR but considering the fact that there was a political rivalry between the accused persons and the deceased brothers, this Court find no ground to grant concession of regular bail to the petitioner.

The above mentioned petitions, i.e. CRM-M-2625-2020 and CRM-M-2340-2020 are dismissed, while CRM-M-21383-2020 is dismissed as not pressed.

May 23, 2022
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No