

**(209) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-7625-2022
Date of Decision: 08.03.2022**

Sukhpreet Singh

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ramesh Sharma, Advocate for the petitioner.

Mr. Rehat Bir Singh Maan, DAG, Punjab.

(Through Video Conferencing)

JASJIT SINGH BEDI, J.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in case FIR No.116 dated 12.10.2021 registered under Sections 307, 394, 397, 386, 323, 34 IPC, 1860 and Sections 25, 27 of Arms Act, 1959 at Police Station Lohian, District Jalandhar Rural.

The FIR was got registered at the instance Gurnam Singh S/o Sajjan Singh, who had stated that he runs a factory at Village Chak Chola, in which four migrant labourers had been working. As per his version, as narrated by the labourers, two boys one of them armed with a pistol entered the factory premises. They asked the labourers to hand over whatever they were having or they would be killed. One of them fired a shot which hit the head of Manish Warla S/o Yunathan Warla and they took away Rs.15,000/- cash and his mobile phone. The labourers caught hold of the motorcycle bearing No.PB-08-EP-6269 at the spot. As per the complainant, the

motorcycle belongs to Karanvir Singh and his brother Sukhpreet Singh sons of Sarban Singh and they had committed the offence in question and they had prior criminal records. The anticipatory bail was dismissed by the Court of Ld. Additional Sessions Judge, Jalandhar vide order dated 03.02.2022 after which the present petition came to be filed.

On 23.02.2022, this Court had directed the State to submit a detailed reply indicating as to how the petitioner was connected to the present case.

Reply way of an affidavit dated 07.03.2022 of the Deputy Superintendent of Police, Sub Division Shahkot, District Jalandhar (Rural) has been filed on behalf of the respondent-State and the same is taken on record.

As per the reply, it was found that the motor-cycle in question belong to Karanvir Singh (co-accused/real brother of the present petitioner). It is stated that the said motorcycle was never reported to be missing and thus, the same would have been used in the occurrence by the present accused. Even the call records would show that the petitioner was trying to mislead the investigation and despite conducting the raids, the petitioner and his brother have been absconding from their home raising suspicion about their involvement in the present case. It has also been stated that the petitioner is an accused in three other cases, which shows his criminal antecedents. The Investigating Agency has, thus, sought custodial interrogation on account of the fact that the firearm used in the occurrence was yet to be recovered. It is also stated that two live cartridges and one empty bullet shell was were

recovered from the crime scene and the same is to be matched with the weapon so sought to be recovered.

I have heard the learned counsel for the parties at length.

As per the FIR two persons with cut-hair were said to have entered the room of the labourers and committed the offence in question. One of the accused is said to have fired at the injured Manish Warla. It is yet to be ascertained as to which of the accused caused the injury in question. The weapon used in the commission of the offence also needs to be recovered.

Admittedly, the vehicle, which was recovered at the spot, belongs to the brother of the petitioner and it has never been stated by the petitioner or his brother, at any stage, that the same had been stolen. Therefore, there is a presumption inherent that the petitioner and his brother had used the motorcycle in the commission of the offence in question.

Thus, keeping in view the seriousness and gravity of the offence; the criminal antecedents of the petitioner and his brother who is absconding and the fact that the recovery of the pistol is yet to be effected, the petitioner does not deserves the concession of anticipatory bail and hence this petition is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

08.03.2022
JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No