

**205**  
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT**  
**CHANDIGARH**

**CRM-M-9134-2022**  
**Date of Decision: 04.04.2022**

**Bachitar Singh**

....Petitioner(s)

Versus

**State of Punjab**

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Lovish Rattan Advocate, for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

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**JASGURPREET SINGH PURI, J. (Oral)**

Status report has been filed by way of affidavit of Deputy Superintendent of Police, Sub Division Dera Baba Nanak, Police Batala, District Batala on behalf of respondent which is taken on record.

Copy has been given to the learned counsel for the petitioner who has stated that he has perused the same.

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.57 dated 15.07.2021, under Sections 302, 34 IPC ( Sections 120-B and 216 IPC added later on) and Section 25 of Arms Act, registered at Police Station Dera Baba Nanak, District Gurdaspur (wrongly mentioned in the FIR as Batala).

As per the allegations contained in the FIR when the complainant was present at his house, then his brother namely Karamjit

Singh @ Sabi alongwith other person namely Neeraj were taking a walk in the street after taking meals, then two persons came on motorcycle and fired shots at his brother namely Karamjit Singh @ Sabi and he died. In the FIR two names were mentioned i.e. Mandeep Singh and Jagdeep Singh but thereafter on the basis of supplementary statement made by the complainant two more names were nominated i.e. Ritik Sharma and Amarjot and as per the stand of the prosecution the aforesaid Amarjot has also claimed the responsibility of the murder thereafter. Accused Ritik Sharma made a disclosure statement that after the offence the petitioner had taken the accused in a car and left at the house of Sarabjit Singh @ Sarab at Rajasansi.

The learned counsel for the petitioner has submitted that the petitioner is not named in the FIR and his name has been nominated on the basis of disclosure statement made by co-accused and even as per the allegations, he has not participated in the offence of the act of shooting the deceased person and, therefore, he may be considered for the grant of anticipatory bail.

On the other hand, Mr. Davinder Bir Singh, learned DAG, Punjab while referring to the affidavit filed by the State has submitted that the petitioner had in fact facilitated the offence by taking the accused in a car and thereafter they were left at the house of Sarabjit Singh @ Sarab at Rajasansi and the petitioner was actively involved in the present case. He further submitted that the petitioner is evading the arrest for long time after the registration of the FIR and challan has been presented against the co-accused Ritik Sharma on whose disclosure statement the petitioner was nominated. He further submitted that custodial interrogation of the petitioner

is required for the purpose of ascertaining the modus operandi adopted by the accused including the petitioner wherein the deceased was murdered while he was taking a walk at the street.

I have heard the learned counsel for the parties.

It is a case where two persons had come and shot dead the deceased in the street and the allegations against the petitioner were that he had taken them in a car after the incident. As per the learned State counsel the petitioner is absconding for the last more than 6 months and challan has been presented against the other co-accused namely Ritik Sharma on whose disclosure statement the petitioner was nominated. This Court finds force in the arguments raised by the learned State counsel that for the purpose of qualitative investigation and to ascertain the truthful position pertaining to the modus operandi adopted by the accused including the petitioner, his custodial interrogation is required. The gravity and magnitude of the present offence would also disentitle the petitioner for the grant of anticipatory bail.

Consequently, finding no merit in the present petition, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

**04.04.2022**

rakesh

Whether speaking  
Whether reportable

**(JASGURPREET SINGH PURI)**  
**JUDGE**

: Yes/No  
: Yes/No