

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

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CRM-M-13252-2022

Date of decision : 19.07.2022

Nanit Sharma alias Saurav

... Petitioner

Versus

State of Punjab

... Respondent

***CORAM: HON'BLE MR.JUSTICE VIKAS BAHL***

Present: Mr.Amitabh Tewari, Advocate  
for the petitioner.

Mr.Sukhbeer Singh, AAG, Punjab.

**VIKAS BAHL, J.(ORAL)**

This is a first regular bail petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR no.135 dated 04.08.2021 registered under Section 302, 307, 148, 149, 212, 216, 120-B IPC and Sections 25, 27, 54, 59 of the Arms Act at Police Station Majitha Road, Amritsar.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 07.08.2021 and the investigation is complete and the challan has been presented and there are 47 prosecution witnesses, out of whom, none have been examined and thus, the trial is likely to take time and the petitioner is not involved in any other case. It is further submitted that in the present case, FIR has been registered with respect to the death of Ranvir Singh alias Rana alias Rana Kandowalia and

the injuries caused to Tejbir Singh and Arun Kumar and the present petitioner has not been named in the FIR. It is further submitted that as per the FIR, 4-5 unidentified armed persons had fired with pistols towards the said three persons. It is also submitted that as per the prosecution version, it is Gurminderjit Singh alias Happy Shah along with three persons who had fired upon the deceased and the injured persons and the present petitioner was not one of them and had no active role in the said incident. It is stated that even as per the confessional statement of Gurminderjit Singh alias Happy dated 10.08.2021 (Annexure P-5), the petitioner has not been named and the said Gurminderjit Singh had specifically stated that they had planned the murder of Ranvir Singh alias Rana alias Rana Kandowalia about a month ago from said date and the same was done at the behest of Jaggu Bhagwanpuria, who is lodged in Tihar jail and said Jaggu Bhagwanpuria told Goldy Brar, resident of Canada on phone that for the murder of Rana Kandowalia, he had got other persons ready for killing him and the petitioner was not one of the persons named by him and in the said statement, it has further been stated that during the incident in question, one of the friends of Ranvir Singh alias Rana alias Rana Kandowalia also fired gun shots, which hit the shoulder of Gurminderjit Singh alias Happy (co-accused) and has further stated that for his treatment, he got help from Sukhraj, Kharak Singh alias Laddi, Jagtar Singh, Prabhjot Chadda and even with respect to the said aspect, he had not named the present petitioner. It is argued that however, as per the disclosure statement of the present petitioner Nanit Sharma, the highest case against the petitioner is that the petitioner had also helped Gurminderjit Singh alias Happy to get his medical treatment with respect to the injuries caused to said Gurminderjit

Singh, in an illegal manner. It is also argued that the said confession made by the petitioner before the police on 07.08.2021 is not supported by the statement of Gurminderjit Singh alias Happy recorded subsequently on 10.08.2021, in which he has specifically named the persons who had helped him in getting treatment from the hospital but he had not named the present petitioner. It is stated that Sukhraj Singh, who also allegedly helped the said Gurminderjit Singh in getting medical treatment, has already been granted anticipatory bail by a coordinate Bench of this Court vide order 28.03.2022 passed in CRM-M-10770-2022. It is also submitted that even Kharak Singh alias Laddi and Gurpreet Singh alias Gopi have been granted regular bail by a coordinate Bench of this Court vide order dated 19.04.2022. It is argued that at best, the case of the petitioner would fall under Sections 212 and 216 IPC.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that co-accused of the petitioner have caused fire arm injuries to the deceased as well as Tejbir Singh and Arun Kumar, and Gurminderjit Singh, who was one of the persons who had fired, also suffered an injury himself and the present petitioner had helped the said Gurminderjit Singh in getting treatment in an illegal manner. It is further submitted that recovery of one pistol and 7 cartridges have been effected from the present petitioner.

This Court has heard learned counsel for the parties and has perused the paper book.

The petitioner has been in custody since 07.08.2021 and the investigation is complete and the challan has already been presented and there are 47 prosecution witnesses, out of whom, none have been examined

and thus, the trial is likely to take time and the petitioner is stated to be not involved in any other case. As per the prosecution case, it is not the petitioner who had fired shots upon the deceased or on the injured and the only role attributed to the petitioner, as per his disclosure statement dated 07.08.2021, is that he, along with other persons, had helped the injured Gurminderjit Singh, who had to take the medical treatment on account of the gun shot injuries suffered by him in the incident. The name of the petitioner does not figure in the statement of Gurminderjit Singh, who had specifically named several other persons including Sukhraj and Kharak Singh alias Laddi, as the persons who helped him in getting medical treatment. The said Sukhraj Singh has been granted anticipatory bail by a coordinate Bench of this Court vide order 28.03.2022 passed in CRM-M-10770-2022 and Kharak Singh alias Laddi and Gurpreet Singh alias Gopi have been granted regular bail by a coordinate Bench of this Court vide order dated 19.04.2022.

Keeping in view the above said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses,

then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

(VIKAS BAHL)  
JUDGE

July 19, 2022  
*Davinder Kumar*

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|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether reportable          | Yes/No |