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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCRM-M-18943-2022 (O&M)
Date of Decision:06.05.2022

Amarjeet Singh @ Kaka

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amit Arora, Advocate for the petitioner.

...

Manoj Bajaj, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in a case FIR No.128 dated 09.08.2020 registered under Sections 302, 148 and 149 IPC, 1860 (Sections 201 and 120-B IPC added later on) at Police Station Bullowal, District Hoshiarpur, who apprehends his arrest at the hands of Police.

The FIR was registered on the statement of complainant Sukhdev Singh and the allegations as noticed by the Id. Sessions Judge, Hoshiarpur in the order dated 01.09.2021 are as under:

The facts of the case are that Sukhdev Singh complainant gave his statement to the police that he was having two sons Karandeep Singh alias Karan aged about 22 years, who had applied for job of Security Guard in Sonalika factory and his younger son Kamaldeep Singh is studying in 10+2. On the day of occurrence i.e. 9.8.2020 his son Karandeep Singh had gone alongwith Sandeep Singh alias Seepa to attend a wedding on motorcycle make Pulsar No.PB07-2065. They were returning from village Chakowal Sheikhan and when they reached in front of the house of Sarpanch, it was about 7.15 PM. From the side of village ground Balwinder Kumar alias Gopi armed with Kirch, Seppy armed with Kirpan, Kewal Singh armed with Kirpan, Amarjit Singh alias Kaka armed with Kirpan, Mandeep Singh armed with Khanda, two other boys armed with Kirchs, Bawa armed with Kirch alongwith one more boy Aashu armed with Khanda came there. They were also accompanied by five unknown

persons who were also armed with Kirpans and Khandas. They surrounded his son Karandeep Singh. On hearing alarm, he alongwith his other brother Dharminder Singh saw the aforesaid boys causing injuries to Karandeep Singh with their respective weapons. On the alarm raised by them, people of the village started collecting there and the aforesaid assailants managed to escape from there alongwith their weapons. His son Karandeep Singh was badly injured, who was taken to Civil Hospital, Hoshiarpur, where he was declared dead. This occurrence took place due to the conspiracy hatched by Seepa and Balwinder Kumar alias Gopi. The aforesaid boys were inimical towards his son and for this reason he was caused injuries, which resulted into his death.”

Learned counsel for the petitioner has argued that though the petitioner is named in the FIR, but the victim Karandeep Singh @ Karan had suffered injuries at the hands of unidentified persons and nothing is attributed to the petitioner, therefore, his custodial interrogation may not be necessary. He further submits that some of his co-accused have already been released on regular bail and the said orders are Annexures P-5 to P-7. Learned counsel prays that as the petitioner is willing to join the investigation, he be released on pre arrest bail.

During the course of hearing, it is not disputed by learned counsel that the case of the prosecution is based upon the evidence of eye-witnesses i.e. complainant Sukhdev Singh and his brother Dharminder Singh and the name of the petitioner is also contained in the statement of Dharminder Singh recorded under Section 161 Cr.P.C. Besides, learned counsel is unable to give justifiable explanation for approaching this Court after a long delay as the FIR in question was registered on 09.08.2020.

After hearing the learned counsel and considering the above background, this Court finds that the concession of pre arrest is extraordinary in nature, therefore, the petitioner cannot claim parity with his co-accused, who were released on regular bail, and apart from it, the name

of the petitioner is specifically mentioned in the FIR, who was allegedly armed with a kirpan and being a member of the unlawful assembly, was present at the spot.

Resultantly, no case is made out for extending the concession of pre arrest bail to the petitioner.

Dismissed.

06.05.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No