

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-39649 of 2022

Date of Decision:06.12.2022

Jagmeet Singh @ Jagi

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Hitesh Chopra, Advocate,
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab

JASGURPREET SINGH PURI, J. (Oral)

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.0181 dated 01.09.2017, under Sections 307, 324, 225, 353, 186, 148, 149 IPC and 25/54/59 of the Arms Act, registered at Police Station Beas, District Amritsar Rural.

It has been submitted by the learned counsel for the petitioner that the petitioner has been nominated on the basis of disclosure statement of the co-accused which is not admissible in evidence and has submitted that he was nominated in the year 2019 and thereafter no attempt has been made by the police to take any action against the petitioner but now, the petitioner has apprehension that he may be arrested at the hands of the police and therefore, has filed the present petition for grant of anticipatory bail.

He submitted that no doubt that the petitioner is also involved in a

large number of other cases but he is already on regular bail in all the cases.

The present FIR was got lodged on the basis of statement made by Head Constable that he is employed in Punjab Police and currently posted as Head Constable at Police Station Police Line Jalandhar City and he alongwith ASI Sukhjinder Singh and Constable Kuljit Singh were on duty in one FIR No.72/16 under Section 307 IPC Police Station Rambagh, Amritsar Division-A and one accused namely Shubham Singh alias Shubham, who was lodged in Central Jail, Kapurthala and hearing before the Court was fixed for 01.09.2017 before the Court of learned Additional Sessions Judge and their duty was assigned to take him for attending the hearing in the aforesaid FIR. ASI Sukhjinder Singh was having a service pistol and Constable Kuljit Singh was having his SLR Rifle and the aforesaid accused was also handcuffed but when they came in bus which was going to Amritsar alongwith the aforesaid accused and when the bus stopped near Rahiya then at around 11.45 at day light two Swift cars of white colour, the registration number of which they could not read, from where 8-10 young persons carrying pistols in their hands entered into the bus from the front and also from the back door and tried to take away the aforesaid accused Shubham and as there were many persons in the bus they took out the accused out of the bus and they also came out of the bus alongwith and the aforesaid persons with intention to kill started firing on them of which one bullet had hit on the right side of the leg of ASI Sukhjinder Singh whose clothes also got filled with blood and thereafter the attackers took away the accused Shubham handcuffed and fled away from the spot in the Swift car and one of the attackers was named as Sahil, whom he knows because he was involved in a number of other cases and his name also flashes with

the list of gangsters in the List-1 and he has many times seen his photo also.

Learned Senior DAG, Punjab has vehemently opposed the grant of anticipatory bail to the petitioner and has submitted on the instructions ASI Sukhwinder Singh that it is a case where the accused namely Shubham was forcefully taken away by 8-10 persons out of which one person, namely, Sahil was identified by the complainant who is a police official and thereafter in the year 2019, on the disclosure statement of the aforesaid Sahil, the present petitioner was nominated. He submitted that during investigation, it was found that the petitioner was also part of the gang which had entered into the bus and took away the aforesaid Shubham. Learned State counsel further submitted that the petitioner is involved in as many as 15 cases of similar nature out of which in some of the cases he has been acquitted. Learned counsel for the petitioner has relied on other orders by which the petitioner was granted bail vide Annexure P-4 but all those cases are pertaining to the grant of regular bail whereas the present is a petition for grant of anticipatory bail and the parameters for grant of anticipatory bail and regular bail are different. He further submitted that the petitioner has been arrested for a long time and he also referred to one of those bail orders 16.07.2019 whereby the allegations against the petitioner were of similar nature when they successfully took away the accused from the custody of the police by spraying on the face of the complainant police official and alongwith the pistol. He further submitted that the petitioner is a habitual offender and the seriousness and gravity of the offence would disentitle the petitioner for grant of anticipatory bail. He further submitted that it is a fit case where custodial investigation of the petitioner was required in view of the aforesaid facts and circumstances.

I have heard learned counsel for the parties.

The present FIR was also lodged in the year 2017 and the name of the petitioner was nominated in the year 2019 but it appears that the petitioner was in custody in some other cases but now, as per learned counsel for the petitioner he has been granted regular bail in other cases. But the petitioner is stated to be involved in a large number of other cases although in some cases he has been acquitted and in one of the cases as pointed out by the learned State counsel similar kind of offence was alleged that he alongwith other persons had tried to take away an accused from the police custody by using pistols and other materials. This Court does not wish to make any observation on the merits of the case since the prayer in the present petition is only for the grant of anticipatory bail. However, considering the submission made by the learned State counsel that the petitioner is a habitual offender and also considering the seriousness, gravity and the magnitude of the offence, this Court does not deem it fit and proper to grant the anticipatory bail to the petitioner.

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 only meant for the purpose of decision of these two petitions.

(JASGURPREET SINGH PURI)
JUDGE

December 06, 2022

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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No