

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

204

CRM-M-47899 of 2021  
Date of Decision:05.01.2022

Ramanpreet Singh and another

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. Vaibhav Sehgal, Advocate,  
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab

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**AMOL RATTAN SINGH, J. (ORAL)**

Case heard via video conferencing.

On December 06, 2021 the following order had been passed by this  
court:-

“Case heard via video conferencing.

**CRM-41475-2021**

Vide this application, the petitioners in the accompanying  
petition seek to place on record a pen drive and photographs as  
Annexures P-9 and P10 respectively, with the accompanying petition.

No notice having been issued in the accompanying petition,  
none is required to be issued in this application, which is  
consequently allowed subject to all just exceptions and the the  
aforesaid pen drive and photographs are ordered to taken on record as  
Annexures P-9 and P-10, with the accompanying petition.

**CRM-M-47899-2021**

By this petition, the petitioners seek the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.64, dated 28.03.2021, having been registered at Police Station Khanna City-2, Ludhiana, alleging therein the commission of offences punishable under the provisions of Sections 307/323/324/148/149/506/120-B of the IPC and Sections 25/54/59 of the Arms Act.

Learned counsel for the petitioners submits that as per the photographs and video clip that he has placed on record today, at the time in question, i.e. 5:00 p.m. onwards, they were actually at a place 20 kms. away from the alleged place of occurrence and consequently, they have only been roped in on a statement subsequently made by the complainant, after the FIR had been registered at the instance of the complainants' father.

Notice of motion.

Mr. M.S.Nagra, AAG, Punjab, accepts notice at the asking of the court on behalf of respondent State.

A copy of the petition be supplied to him today itself by learned counsel for the petitioners.

Upon query to him he submits that there are other criminal cases also registered against the petitioners, to which learned counsel for the petitioners replies that there are many other FIRs also registered against the complainant.

Be that as it may, the SSP, Police District Khanna, is directed to go into the matter in detail, by also watching the video clip in question to determine as to whether there can be found to be any complicity of the petitioners in the alleged commission of the offence or not.

The SSP would file his own affidavit in reply to the petition, failing which he shall remain present in court on the next date of hearing itself.

Adjourned to 22.12.2021.

It is made clear that at this stage there is no interim order operating in favour of the petitioners.”

Thereafter, on December 22, 2021 the following order had been passed by this court:-

“Case heard via video conferencing.

A reply has been filed on behalf of the respondent-State, dated 21.12.2021, which is ordered to be taken on record. A copy thereof be given to learned counsel for the petitioners who is appearing through video conferencing.

It being a petition seeking anticipatory bail, with counsel for the petitioner still to go through the reply filed, adjourned to 30.12.2021, since there is no interim order passed in favour of the petitioners.”

Pursuant thereto, a reply has been filed by the SSP, Khanna, in which, other giving the facts of the case as per the FIR, it has been stated in paragraphs 9 and 10 that even as per the CCTV footage relied upon by the petitioners, they were not found to be present in the CCTV footage at all which pertains to the premises of one M/s Neelkanth Enterprises; and that in fact the mother of the first petitioner as also the wives of both the petitioners were issued notices under Section 91 of the Cr.P.C., with them having in fact produced the CCTV footage thereafter, and with them having admitted that neither of the petitioners is visible in the said footage, though one Neel Kamal Singh @ Billa (who is also stated to be an accused as per the affidavit) is seen in that footage.

Though learned counsel for the petitioners wishes to file a counter to the said affidavit, however I would see no reason to allow that as, vide this petition, the petitioners seek to be admitted to anticipatory bail and in view of what has been contended in the affidavit by the SSP himself, this petition is dismissed.

It is made clear that all observations made in any order passed in this petition are in the context of a petition filed under the provisions of Section 438 of the Cr.P.C., with it having dismissed seeing the role of the petitioners as per the FIR, and with the preliminary defence taken by them not having been found to be true as per the SSP.

However, naturally, investigation would continue in the matter regardless of any observations made in the context of this petition, as would any trial that ensues thereafter.

January 05, 2022  
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(AMOL RATTAN SINGH)  
JUDGE

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