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

**CRM-M No.51607 of 2021
Date of Decision: 02.04.2022**

RANJIT SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Vishwajit Bedi, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. D.A.G., Punjab.

Ms. G.K. Mann, Sr. Advocate with
Mr. Gursewak Singh, Advocate and
Mr. Akashdeep Singh, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail in his 3rd attempt under Section 439 Cr.P.C in case bearing FIR No.51 dated 03.06.2016 registered under Sections 302, 307, 323, 411, 414, 148, 149 IPC and Sections 25/27/29/54/59 of the Arms Act at P.S. Rajasansi, District Amritsar (Rural).

Earlier petition bearing CRM-M No.14704 of 2019 was got dismissed as withdrawn by way of moving a specific application for withdrawal of the case. The case was dismissed

as withdrawn vide order dated 29.07.2020. Thereafter petition filed CRM-M No.37607 of 2020 and the same was got dismissed as withdrawn after arguing the case for sometime on 05.08.2021.

As per allegations in the FIR, complainant Pardeep Singh alleged that on 03.06.2016, he along with his elder brother namely Malkit Singh had gone to bus stand on a motorcycle for some domestic work. When they were returning to their village alongside the bank of canal, one Swift car came from behind and struck against their motorcycle. The complainant and his brother fell down from the motorcycle towards canal side. Five persons came out of the car. Out of them, petitioner was armed with 315 bore rifle, Bikramjit Singh was armed with 12 bore gun. Karamjit Singh was armed with a pistol. Rajbir Singh was having a small weapon. Name of 5th accused was not known. According to the complainant, he could identify the said accused on being produced before him. All the assailants started firing upon the complainant and his brother Malkit Singh. Complainant and his brother Malkit Singh started running in order to save their lives. The complainant went towards the bank of canal, but his brother Malkit Singh fell down on the ground due to bullet hitting below his chest. Complainant saw from the bushes that all the assailants fired bullets with their weapons on his brother's chest, below the chest and face.

After killing him, they fled away from the spot.

The complainant further alleged that about 05 years ago, one of the person was killed by brother of the complainant namely Kuldeep Singh. Due to that grudge, the assailants have murdered Malkit Singh and they also injured the complainant.

Learned counsel for the petitioner submits that co-accused Rajbir Singh and Karamjit Singh have been granted regular bail and Jagdeep Singh @ Jagjit Singh has been granted anticipatory bail.

Learned counsel for the petitioner further submits that there is a contradiction with regard to the recovery of weapon. In the FIR, the weapon attributed to the petitioner is 315 bore gun whereas recovery of 12 bore gun has been effected from the petitioner.

Learned counsel further submits that the complainant has concealed origin and genesis of the occurrence by not explaining the injuries on the person of Karamjit Singh-brother of the petitioner. Karamjit Singh ultimately filed a criminal complaint i.e. Case No.30 of 02.08.2017 (CIS No.COMI/58/17) in the Court of Sub Divisional Judicial Magistrate, Ajnala and the Court has already taken cognizance of the said complaint and has passed an order of summoning dated 04.01.2018 on the basis of preliminary evidence. Kuldeep Singh and Pardeep Singh have been summoned as accused to face trial under

Sections 307, 341 read with Section 34 IPC and Sections 25/27/54/59 of Arms Act

Learned counsel further submits that in the criminal complaint, factum of murder of Gurinder Singh in the year 2012 was pleaded. He was murdered by Kuldeep Singh, brother of the complainant and the accused was convicted. On 03.06.2016, at 6.30 P.M., when Karamjit Singh along with his uncle Ranjit Singh went to buy a medicine from bus stand in their car and when they were returning to the village, then Kuldeep Singh, Malkit Singh and Pardeep Singh were found standing by parking their motorcycle on the road and signalled the car to stop. Due to fear, Karamjit Singh did not stop the car, which hit the motorcycle and ultimately came to halt. Pardeep Singh fired from his 12 calibre pistol. When Karamjit Singh was coming out from the car, pellets hit on his back. Whereupon, Karamjit Singh also took his gun from the car and fired back. Two shots hit Malkit Singh. Pardeep Singh and Malkit Singh ran away. Karamjit Singh also ran away from the spot. Fire arm injury has been attributed to the petitioner.

Learned State counsel and learned Senior counsel for the complainant opposed the bail on the ground that there is a direct attribution to the petitioner showing his complicity in the aforesaid case. Rajbir Singh facilitated the petitioner to fire from his licensed weapon.

At this stage, licence of the weapon is not be appreciated. The role attributed to the accused person is to be seen in the context of giving fire arm injuries. Alleged complicity would be tested by the trial Court in due course on the basis of quality of evidence to be led by the prosecution. Seeing the allegations on record, no indulgence can be granted in favour of the petitioner for the grant of regular bail. The petition stands dismissed.

April 02, 2022

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No