

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-53-2023

Date of Decision:-10.01.2023

Birbant Singh.

.....**Petitioner.**

Versus

State of Haryana.

.....**Respondent.**

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. J.S. Gill, Advocate for the Petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

JASJIT SINGH BEDI, J.

The Prayer in this petition is for the grant of anticipatory bail under Section 438 Cr.PC in case FIR No.232 dated 06.10.2022 under Sections 186, 294, 307, 353, 430, 506, 34 IPC & Section 25 of Arms Act registered at Police Station Odhan, District Sirsa.

The brief facts of the case are that statement of one Jagdeep Singh, JE village Ther Shahidan Wali was recorded to the effect that on 05.10.2022 he along with his accompanying officials were patrolling on Kaluana Rajbah to prevent the theft of water. At about 10.30 pm when they reached near RD118500 in the area of village Jandwala Jatan some persons were seeing stealing water by fixing pipes on the right side and were irrigating the fields. He stopped the vehicle and found 5/6 persons at the spot. When one of the persons from his party tried to cross the other side of

the canal the persons stealing the water fled away. At that time, close to their vehicle a Fortuner vehicle bearing registration number HR12T-4810 came from the side of Jandwala Jatan and was being driven by Birbant Singh Jandwala Jatan (petitioner). He raised a *lalkara* and took out a pistol and started firing at the officials with an intention to kill them. The officials hid themselves and thereafter Birbant went away from the spot. Based on these allegations the present FIR came to be registered.

The Counsel for the petitioner contends that in the present case no one has suffered any injury which shows that the petitioner has been falsely implicated. In fact the petitioner remained Sarpanch of village Jandwala Jatan from the year 2010 to 2015 and even his father remained the Sarpanch of the village for 25 years. He had been implicated as he was associated with one political party in the State of Haryana which is currently in opposition. His co-accused Sukhdev Singh has been granted the concession of pre-arrest bail vide order dated 08.12.2022 (Annexure P-3) whereas two co-accused, namely, Karanveer @ Tinku and Vakil @ Gila had been granted the concession of regular bail. He thus prays that the petitioner be granted the concession of anticipatory bail.

The Counsel for the State on the other hand contends that the petitioner was named in the FIR and a specific role of having shot at the officials has been attributed to him. The complainant who is an official had absolutely no reason to falsely implicate the petitioner. In fact, with a view to mislead the investigation, the brother of the petitioner had produced two alleged co-accused before the police despite the fact that it was only the petitioner who had been named in the FIR. He contends that the recovery of two 9mm cartridges have been effected from the spot which clearly

establishes the veracity of the allegations levelled against the petitioner. Even otherwise, the petitioner has a lengthy criminal record with as many as 06 FIRs registered against him, though he stands acquitted in 04 of the said cases.

I have heard learned Counsel for the parties at length.

Quite apparently, the petitioner is the main accused having been attributed the role of having shot at the complainant party. Two empty shells of 9mm bore have been recovered from the spot which *prima facie* establishes the commission of the alleged offence. The recovery of the pistol and the vehicle is to be effected from the petitioner because of which his custodial interrogation is necessary. So far as the co-accused Sukhdev Singh is concerned he is not named in the FIR nor has any role been attributed to him. So far as Karanveer @ Tinku and Vakil @ Gila are concerned they have been granted the concession of regular bail. Therefore, the case of the petitioner is distinguishable from that of his co-accused.

In view of the seriousness of the allegations, as also the fact that the recoveries are to be effected from the petitioner, I find that the custodial interrogation of the petitioner is certainly necessary to take the investigation to its logical conclusion and therefore the present petition is dismissed.

(JASJIT SINGH BEDI)
JUDGE

January 10, 2023
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No