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

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**CRM-M-2132-2023  
Date of Decision: 08.08.2023**

Hakikat Singh @ Aalam

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. Karnail Singh Ahhi, Advocate  
for the petitioner.

Mr. Harjinder Singh Sidhu, AAG, Punjab  
for the respondent/State.

Mr. Sarbjit Singh, Advocate  
for the complainant.

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**HARSH BUNGER J.**

1. Petitioner (Hakikat Singh @ Aalam) has filed the present petition under Section 439 of the Code of Criminal Procedure seeking grant of regular bail in cross case, i.e. DDR No.25 dated 20.06.2022, under Sections 148, 149 & 302 of the Indian Penal Code and Sections 25 & 27 of the Arms Act, in case FIR No.119 dated 20.06.2022, under Sections 148, 149 & 307 of the Indian Penal Code and Sections 25 & 27 of the Arms Act, registered at Police Station Beas, District Amritsar (Rural).

2. Status report by way of affidavit dated 28.04.2023 of Mr. Harkrishan Singh, P.P.S., Deputy Superintendent of Police, Sub Division Baba Bakala Sahib, District Amritsar (Rural) has been filed on

behalf of the State of Punjab, which is already on record.

3. Briefly, the aforesaid case FIR No. 119 dated 20.06.2022 was registered on the complaint of Prabhjeet Singh son of Lakhwinder Singh, who stated that he is running the office of Courier at Baba Bakala and he has employed 20-22 persons for courier delivery, out of which one Jobanjeet Singh is also doing job and on 20.06.2022, he finished his work and at about 6:30 P.M. he went to his village on motorcycle bearing registration No.PB-09-M-5737. It was stated that the complainant along with other persons decided to sit at Flame Chilly Pajaria Restaurant, Baba Bakala G.T. Road and at about 09:30 P.M., they went to their respective homes. However, when the complainant reached near his house then he received a phone call from Jobanjeet Singh, who told him that his motorcycle struck against Alto car whereupon the complainant immediately returned and while the complainant was on the way then Sandeep Singh of Dolo Nangal and Ravi resident of Thathian met him near the petrol pump and they accompanied the complainant for Batala Road and when they were little behind the canal then they saw Alto car and near the car, 14-15 boys were standing, out of whom they apprehended two persons. The apprehended persons called their companions on phone and they came in a white colour Brezza car, which was having about five young boys and they started beating them (complainant party) and got the two boys freed from three of them and fled away from the spot along with the car. It was alleged that the occupants of the car directly fired upon them (complainant party) and to save their lives, they hid themselves. It is further alleged that while running, one of the boys gave a *datar* blow from the sharp side, which struck the backside of the complainant head and the second blow was also given from the sharp side on his head and the third blow struck against his wrist of right

arm from reverse side. It is stated that in the meantime, upon the complainant's phone call; his friends Rana and Harjinder Singh along with complainant's father Lakhwinder Singh reached at the spot and on seeing them, the aforesaid assailants ran away alongwith their arms and car from the spot. Thereafter, the complainant's father and his cousin Sarwan Singh got the complainant admitted in Civil Hospital, Baba Bakala.

4. It appears that on 20.06.2022 itself, one statement memo from Harpal Singh son of Balbir Singh resident of Thianpur was received in the police station, wherein it was recorded that he (Harpal Singh) was posted in 182-BN of BSF at Ferozepur and he has two sons. The elder son being Rishiwant (aged about 19 years) and the younger being Kanwarpal Singh (aged about 17 years). In the said memo, it was stated that his elder son is preparing for I.E.L.T.S. to go abroad and on 19.06.2022, his son along with his friends Sahajpreet and Pavitar Singh went to some friend's engagement at Village Thathian, but when his son reached Baba Bakala Sahib from Thathian in Sehajpreet's Alto car then the car was hit by a Splender motorcycle rider coming from the front side. The accident caused a puncture in the front left tyre of the car, due to which they scuffled with the motorcyclist. It is further stated that his son along with his friends took the punctured car to house of Resham Singh son of Lakha Singh and in the meantime, five persons riding on three motorcycles reached there and these five men assaulted his son Rishiwant and his friends with baseball and sickles, whereupon Harpal's son firstly called Mehakdeep Singh and said that their car had punctured, so come and pick them. It is alleged that due to severe beatings by the aforesaid persons, his son telephonically apprised Gurjant Singh son of Shamsher Singh, who is stated to be his (Harpal Singh) nephew in relation, and told him that some persons were beating them. In

the meantime, Gurjant Singh and Mehakdeep Singh reached at the place of occurrence and saw that Prabhjot Singh (mentioned as Prabhdeep Singh in Vernacular of D.D.R. No.25 dated 20.06.2022) was firing with a pistol in his hand, however, they did not know that he was carrying a revolver or a pistol because it was dark. Then, Prabhjot Singh fired gun shot from his pistol directly at his son (Rishiwant), which hit him on his forehead whereupon his son Rishiwant fell on the ground. It is stated that the assailants upon seeing Gurjant Singh and Mehakdeep Singh at the site, escaped from the place of occurrence alongwith their weapons. Thereafter, Gurjant Singh arranged the vehicle and got admitted his son Rishiwant to Amandeep Hospital, Amritsar where he was undergoing treatment in the ICU. In the memo, it was stated that Gurjant Singh and Mehakdeep Singh had narrated the entire incident to him (Harpal Singh) when he reached the hospital. It is alleged that Prabhjot Singh and his accomplices had shot upon his son in the head with the intention to kill him, due to which his son is seriously injured and undergoing treatment. The action was sought against the aforesaid persons. On the basis of said memo, cross case/DDR No. 25 dated 20.06.2022 under Sections 148, 149 & 307 of the Indian penal Code and Sections 25 & 27 of Arms Act was recorded.

5. Petitioner (Hakikat Singh @ Aalam) applied for regular bail before the Court of Additional Sessions Judge, Amritsar, however, the same was dismissed, vide order dated 01.11.2022 (Annexure P-7). Accordingly, the present petition under Section 439 of the Code of Criminal Procedure has been filed before this Court.

6. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the name of the petitioner has not been mentioned in the FIR. It is submitted

that DDR No. 25 dated 20.06.2022 was recorded on the statement of Harpal Singh, who is father of Rishiwant, who is stated to have expired on 23.06.2022 and accordingly, offence under Section 302 of the Indian Penal Code was added in the case. It is submitted that Harpal Singh is not the witness to the occurrence and the alleged occurrence is stated to be disclosed to him (Harpal Singh) by one Gurjant Singh and Mehakdeep Singh. It is submitted that in the entire statement, which is hearsay, the petitioner was not named. It is submitted that no test identification parade has been conducted in this case. It is further submitted that when the police party was going to produce the petitioner in the Court, then while petitioner was sitting in a vehicle, all of a sudden, Gurjant Singh came there and identified the petitioner. It is next submitted that Rishiwant expired on 23.06.2022 and the occurrence was of 20.06.2022 and during the said period, no-one named the petitioner. It is contended that no role has been attributed to the petitioner. It is stated that the challan against the petitioner and other co-accused has been presented. Learned counsel for the petitioner submits that the father of petitioner is a handicapped person and the petitioner is a Gursikh/Amritdhari and he is the only bread winner of his family. It is submitted that the petitioner was arrested on 24.06.2022 and since then he is in custody, thus the trial is likely to take some time to conclude. It is submitted that the petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court, accordingly prayer for grant of regular bail is made.

7. Per contra, learned State counsel has opposed the prayer of petitioner for grant of regular bail on the ground of seriousness and gravity of offences. Learned State counsel, while referring to paragraph No.14 of the status report, submits that during investigation, sufficient material has come

against petitioner and other co-accused. Paragraph No.14 thereof reads as under :-

*“14. That it is respectfully submitted that on the basis of investigation, which has so far been conducted by SHO of Police Station Beas, Amritsar Rural, it has come to the fore that on 19.06.2022, the motorcycle of the co-accused Jobanjeet Singh had met with an accident with Alto Car of the deceased Rishiwant Singh. Due to which, they had arguments/altercation with each other. Therefore, Jobanjeet Singh made phone call to the co-accused Prabhjot Singh and called him at the spot for his assistance. Prabhjot Singh reached near Thathian Petrol Pump. There Jobanjeet Singh and Prabhjot Singh had altercation with the deceased Rishiwant Singh, Sehajpreet Singh and Pavitar Singh, who were riding in the Alto Car, during which Prabhjot Singh sustained injuries at the hands of the deceased Rishiwant Singh, Sehajpreet Singh and Pavitar Singh then Rishiwant Singh along with his companions drove his Alto car towards Wadala Road. Thereupon, the co-accused Prabhjot Singh called his associates present petitioner Haqiqat Singh @ Alam, Angrej Singh and Jobanjeet Singh called Ravi R/o Thathian. Thereafter they all five i.e. present petitioner Haqiqat Singh @ Alam, Prabhjot Singh, Jobanjeet Singh, Angrej Singh and Ravi chased the above Rishiwant Singh etc. and reached Wadala Road near drain. Thereafter they all again had altercation with each other, during which Angrej Singh sustained injuries. In the meanwhile, Gurjant Singh r/o Dhianpur, who had already been made phone call by Rishiwant Singh and who have Flame Chilly Restaurant at Baba Bakala Sahib, along with his one or two associates came at the spot on his Brezza car colour white. Thereafter gunshots were fired at the spot and one of the gunshot hit on forehead of the deceased Rishiwant Singh, who was admitted in Amandeep Hospital, Amritsar by the above said Gurjant Singh in his own Car Brezza and he told the entire episode to*

*the complainant Harpal Singh and on the basis thereof, the aforesaid cross version was registered. However, it has yet not been established that at the time of occurrence of the present case/FIR No. 119/2022 (supra) and Cross Version GDR No. 25 dated 20.06.2022 (supra), which are at the above two different places, which accused persons was holding pistol/revolver and who had in fact fired gunshot at the deceased Rishiwant Singh. It is expected that these facts would get cleared after arrest of the above Pavitar Singh and Sehajpreet Singh, the accused persons in FIR No. 119/2022 (supra) and the above Ravi co-accused of the present Cross Version GDR No. 25 dated 20.06.2022 (supra). The strenuous efforts are being made to make their arrest and investigation of the aforesaid case/FIR No. 119/2022 (supra) and present Cross Version GDR No. 25 dated 20.06.2022 (supra) is being conducted in a fair and impartial manner under close supervision of the deponent by SHO P.S. Beas, Amritsar Rural and the same shall be taken to its logical conclusion.”*

8. Learned State counsel submits that the allegations against petitioner are very serious as one person has been shot dead by the unlawful assembly and the present petitioner was an active member of the said unlawful assembly. It is submitted that there is strong apprehension that the present petitioner, if enlarged on bail, shall misuse the concession of bail as he may tamper with the evidence or influence the prosecution witnesses which shall prejudice the trial of the case. As per the status report, the allegation against the petitioner is that he was an active member of unlawful assembly, who had shot dead one person, namely Rishiwant. Accordingly, prayer for dismissal of the instant petition has been made.

9. I have heard learned counsel for the parties and perused the paper book as well as the status report.

10. A perusal of the aforementioned facts indicate the manner in

which two parties/groups as mentioned in FIR No.119 dated 20.06.2022 and in DDR No.25 dated 20.06.2022, have assaulted each other. Such occurrences pose a threat and safety concern to not only the assailants but also the public at large. One person (Rishiwant Singh) has lost life in the occurrence. Two accused in FIR No.119 dated 20.06.2022, namely Pavitar Singh and Sehajpreet Singh, and one accused in DDR No.25 dated 20.06.2022, namely Ravi, are yet to be arrested.

11. I do not find any merit in the plea of learned counsel for the petitioner that the petitioner has been in custody since 24.06.2022 and trial would take long time to conclude since in my considered opinion, merely long incarceration cannot be a ground to extend the concession of bail to the petitioner. In ***Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav, 2004(2) RCR (Criminal) 254***, Hon'ble Apex Court held as under:

*“The condition laid down under Section 437(1)(i) is sine qua non for granting bail even under Section 439 of the Code. In the impugned order it is noticed that the High Court has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to be enlarged on bail, nor the fact that the trial is not likely to be concluded, in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail.”*

12. In the present case, a precious human life has been lost in the

occurrence and the trial is proceeding. The apprehension expressed by the State counsel that if released on bail, there is every likelihood of the petitioner trying to tamper with the prosecution evidence by giving threats and inducement to the prosecution witnesses and absconding even to prolong the trial, cannot be brushed aside lightly. Hence, keeping in view the gravity and nature of the offence, I do not deem it fit to extend the concession of regular bail to the petitioner. Accordingly, the present petition is dismissed.

13. Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

14. All pending application(s), if any, shall also stand closed.

**08.08.2023***Sjks/Apurva***(HARSH BUNGER)  
JUDGE**

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No