

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-4579-2023

Date of Decision: 23.03.2023

Ranjit Singh

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Kushagra Mahajan, Advocate for the petitioner

Mr. Rajiv Verma, DAG Punjab

Mr. Umesh Aggarwal, Advocate for the complainant

Sandeep Moudgil, J.

The petitioner seeks anticipatory bail in case FIR No.299 dated 08.11.2022 under Sections 307/148/149 IPC and Sections 25/27/54/59 Arms Act, registered at Police Station Cantonment, District Amritsar.

The brief facts as depicted in the FIR, is reproduced as under:-

“Statement of Navjot Singh @ Nav s/o Jatinder Singh r/o Near Dispensary, Village Gumtala, Police Station Cantonment, Amritsar aged around 18 years, Mob No. 75290-98165. It is stated that I am resident of above mentioned address and I work as clerk to Advocate Monu Arora at District Court, Amritsar. Today on 8.11.2022 at around 1:00 PM I had a minor altercation with Ranjit Singh s/o Seva Singh r/o village Gumtala, his brother-in-law Gurjit Singh and Sourav resident of Village Gumtala and Ranjit Singh r/o Loharka Road Road. After the altercation at around 5.15 PM the above mentioned accused i.e. Ranjit Singh armed with pistol, Gurjit Singh armed with datar, Sourav armed with datar, Ranjit Singh r/o Loharka Road armed with datar, Sashi sister of Ranjit Singh s/o Seva Singh, Ranjit Singh's wife Manpreet Kaur armed with brickbat. Ranjit Singh

s/o Seva Singh raised a lalkara that catch him and teach him a lesson for daily stopping the car in between the road and Ranjit Singh s/o Seva Singh fired towards me with the intention of killing me. At the time of entire incident I was standing outside the house of my chacha Amritpal Singh and he fired 5-6 times toward me. I got scared and ran inside my chacha's house. The above mentioned persons started hitting the gate of the house of my chacha with datar. Ranjit Singh's sister and his wife threw brickbats. By hiding myself I saved my life. Along with them there were 3-4 other unidentified persons but I do not know their names but I can recognize them. Action be taken against them. Statement is read and the same is correct. Sd/- Navjot Singh”

Learned counsel for the petitioner submits that the allegations against the petitioner are that he fired towards the complainant 5-6 times with the intention of killing him. He averred that the story is concocted as no empty cartridges were found at the alleged place of occurrence and neither any bullet injury marks could be seen. In fact, it is a case of no injury wherein it is not possible that when about 10 persons allegedly attacked the complainant, he was unhurt in the entire incident which fact in itself is sufficient to discard the veracity of the contents of the FIR. It is further urged that since the petitioner and the complainant are neighbours and have some dispute as such, they are nursing grudge against the petitioner.

It is further contended that there are two Ranjit Singh in the instant FIR, wherein the present petitioner was not armed with the pistol but only with a Datar, as can be verified from the CCTV Footage, which is stands recovered by the Investigating Agency. He asserts argument on the strength

that another Ranjit Singh, who was armed with pistol, already stands arrested and is behind bars.

The above-stated version of the petitioner was controverted by learned State counsel, who on instructions from ASI Mohinder Singh, submits that Ranjit Singh son of Balkar Singh, who was armed with datar, already stands arrested, whereas the present petitioner-Ranjit Singh son of Sewa Singh was armed with pistol.

Faced with the situation, learned counsel for the petitioner sought time to place on record the CCTV footage and additional photographs of the incident showing that the petitioner was not armed with firearm but with the datar.

On 20.02.2023, the petitioner filed CRM-7944-2023 placing on record photographs, however, the same were also not convincing as it could not depict as to which Ranjit is carrying the pistol and which one is carrying datar. The matter was again adjourned, on the request of learned counsel for the petitioner, to place on record more documents with clarity.

On 02.03.2023, the petitioner placed on record video and photographs as Annexures P3 & P4 vide CRM-5506 & 7944-2023, and this Court passed the following order:-

“Learned State counsel seeks time to verify from the Investigating Officer as to whether the petitioner was actually carrying firearm in his left hand or not, as from the pictures produced today before this Court by learned counsel for the petitioner today, which are taken on record as Mark B, apart from pictures already placed on record, it is evident that the petitioner was having datar in his left hand indisputably.

Learned State counsel on instructions from the Investigating Officer, submits that it is petitioner, who was having firearm in his left hand but since the same is not visible from any of the photographs produced before this Court today by learned counsel for the petitioner to controvert the said fact, learned State counsel seeks time to verify with regard to the said fact.”

As per prosecution story on 08.11.2012, at about 5:00 p.m. petitioner along with other accused persons, armed with deadly weapons, attacked the complainant, and petitioner Ranjit Singh fired four/five shots from pistol in order to kill complaint who fortunately saved himself by entering into the house of his uncle Amritpal Singh.

In the present case, *lalkara* is also attributed to the petitioner Ranjit Singh which instigated the other co-accused and at the time of occurrence, petitioner was armed with pistol. As per record, petitioner was member of unlawful assembly and was present at the spot along with other co-accused as is crystal clear from a video recording of the incident.

The allegations against the petitioner are serious in nature as such free hand is required to be given to the Investigating officer to excavate the truth and to recover the weapons. Further, the photographs and other documents placed on record by the petitioner during the course of hearing fail to make out a case that the petitioner was actually carrying datar. Be that as it may, it is undeniable that the petitioner was actively involved in the commission of offence.

Hence, no ground is made out to grant pre-arrest bail to the petitioner at this stage.

Accordingly, the petition is ordered to be dismissed.

However, nothing expressed hereinabove shall be considered to be an expression on merits of the case.

23.03.2023

V.Vishal

- 1. *Whether speaking/reasoned?*
- 2. *Whether reportable?*

(Sandeep Moudgil)
Judge

Yes/No
Yes/No