

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27915-2023

Reserved on: 19.09.2023

Pronounced on: 22.09.2023

Sukhvir Singh @ Sukha

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Ms. H.S. Baath, Advocate, for
Mr. J.S. Thakur, Advocate, for the petitioner.

Mr.M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 CrPC, petitioner prays for grant of regular bail in case FIR No.03 dated 09.01.2023 registered at Police Station Phillaur, District Jalandhar Rural, under Sections 302/307/34 IPC and Sections 25 & 27 of the Arms Act, 1959 [*Sections 353, 186, 216 & 120B IPC and Section 54/59 of the Arms Act were added later on and Section 34 IPC deleted later on vide Rapat No.51 dated 12.01.2023*].

2. FIR was lodged on the complaint of SI Amandeep Kumar, who was posted as SHO, Police Station City, Phagwara at the relevant time. As per the complaint, on 08.01.2023, Avtar Singh s/o Jinder Singh complained to ASI Jasvir Singh about the snatching of his Creta Vehicle No. PB-36J-6240 at gun point by four unknown persons. Complainant i.e., SI Amandeep Kumar along with the police party went to the spot, where it was informed by Avtar Singh that his vehicle had GPS system and as per the

location, the snatched vehicle was proceeding towards village Dosanjh. Police party started chasing the vehicle. In the area of Kang Jagir near canal minor, due to narrow passage, the police vehicle and the snatched vehicle were stopped in front of each other. The police party came out and asked the persons occupying the snatched vehicle to come out. Four young people came out of the snatched vehicle and started firing at the police party. One of the bullets hit Constable Kuldeep Singh. As police party started firing towards the snatchers, three of them jumped into the canal, and one of them ran towards the fields taking benefit of dense fog. The three persons, who had jumped into the canal, were apprehended and were found to have suffered bullet injuries. 3 pistols and 11 cartridges were recovered from them. They disclosed their names as Vishnu @ Soni, Ranjit Singh @ Jeeta and Kulwinder Singh @ Kinda. They also disclosed the name of the person, who had fled the spot as Yuvraj Singh @ Jora. FIR was registered.

3. Constable Kuldeep Singh expired due to the bullet injury. The Creta car as snatched by the accused was taken into possession. On 12.01.2023, it was found during investigation that co-accused Yuvraj Singh @ Jora was helped by one Akashdeep in escaping from the place of occurrence and that Rahul Sood & Teja Mehatpuria were the associates of said Akashdeep. All three of them were nominated as accused vide DDR No.51 dated 12.01.2023. Sections 353, 186, 216 & 120B IPC were added. Akashdeep and Rahul Sood were arrested. During investigation, Akashdeep disclosed that he and his associates made a plan at the house of Amanpreet Singh @ Peeta to commit the offence. It was further disclosed by him that Sukhvir Singh @ Sukha i.e., petitioner had extended monetary help to Yuvraj Singh @ Jora, the accused who had escaped from the spot.

3. It is contended by ld. counsel that petitioner has been falsely implicated; that he was not named in the FIR; that he did not participate either in the snatching or in the murder of Constable Kuldeep Singh and that only attribution to him is to have helped co-accused Yuvraj Singh @ Jora. Ld. counsel contends that similarly placed co-accused Akashdeep Singh has already been allowed bail by this Court vide order dated 31.05.2023 in CRM-M-25329-2023.

4. Ld. State counsel has opposed the bail petition by pointing out towards the gravity of offence and the role attributed to the petitioner, inasmuch as he was member of the gang, which used to operate on the instructions of co-accused Dheeraj Rana and that petitioner used to provide money so as to purchase arms and ammunition etc.

5. I have considered submissions of both sides and have perused the record.

6. Custody certificate placed on record by ld. State counsel reveals that petitioner is in custody for the last 7 months and 28 days. He is involved in one more case bearing FIR No.52 dated 03.08.2021 registered at Police Station Aur, under Sections 452/324/34 IPC. The contention of ld. State counsel to the effect that the petitioner is member of a gang is based on disclosure statement, the legal admissibility of which is yet to be tested. Concededly, petitioner neither participated in the crime of snatching the Creta car of Avtar Singh nor participated in the crime, when Constable Kuldeep Singh was hurt and ultimately expired. The only attribution to the petitioner is to have helped the co-accused Yuvraj Singh @ Jora, who had escaped from the spot.

7. Having regard to all the facts and circumstances as noted above, but without commenting anything further on merits of the case, petitioner is admitted to regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned

Allowed.

(DEEPAK GUPTA)
JUDGE

22.09.2023

Vivek

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

Yes/No
Yes/No