

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34512-2021
Date of Decision: 21.08.2023

PARGAT SINGH
... Petitioner

VERSUS

STATE OF PUNJAB
...Respondent
CRM-M-15772-2022

HARPREET SINGH
... Petitioner

VERSUS

STATE OF PUNJAB & OTHERS
...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate assisted by
Mr. Satbir Singh Gill, Advocate
for the petitioner in CRM-M-34512-2021.

Mr. P.S. Ahluwalia, Advocate
for the petitioner in CRM-M-15772-2022 and
for the complainant in CRM-M-34512-2021.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J.

This order shall dispose of two petitions bearing CRM-M-34512-2021 for the grant of regular bail filed on behalf of petitioner-Pargat Singh and CRM-M-15772-2022 under Section 482 Cr.P.C. praying for a free and fair investigation filed on behalf of petitioner-Harpreet Singh.

2. The brief facts of the case are that one Pargat Singh son of Boota Singh got registered an FIR No.22 dated 28.01.2021 under Sections 302, 307,

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452, 323, 429, 148, 149 IPC and Sections 25 and 27 of Arms Act with the allegations that Harpreet Singh son of Balram Singh, Gagandeep Singh son of Sukhdev Singh, Sukhdayal Singh son of Jasbir Singh, Kalu son of Toti, Mukha son of Toti, Manu son of Ghuk, Gurwinder Singh son of Mukhtar Singh, Happy son of Balkar Singh, Harsimran Singh son of Jagtar Singh, Kaka son of Balwinder Singh and 10/15 unknown persons had caused the death of his servant Jagtar Singh and had caused gunshot injuries on the person of his daughter-in-law Sachinpreet Kaur wife of Agyapal Singh and his pet dog as well.

3. After the registration of the aforementioned FIR, a cross case/G.D. No.20 dated 28.01.2021 came to be registered under Sections 307, 452, 379, 506, 336, 148, 149 of IPC and Sections 25, 27/54 of Arms Act, 1959 Police Station Ajnala, Amritsar Rural on the statement of one Jaskaran Singh against Pargat Singh (petitioner) son of Buta Singh, Manpreet Singh son of Buta Singh, Agyapal Singh son of Pargat Singh, Bikramjit Singh son of Pargat Singh, Rajinder Singh son of Pargat Singh, Chan son of Karamjit Singh, Vishal son of Manpreet Singh and Sunny Masih son of Dharma Masih along with 3-4 unknown persons with the allegations that Pargat Singh and his co-accused had caused gunshot injuries on the persons of Kuldeep @ Kaka and Harsimran Singh.

4. After the registration of the above-said FIR and cross-case, 14 applications were given by both the parties and a detailed and thorough enquiry was conducted by Mr. Gaurav Toora, IPS the then Superintendent of Police (Investigation), Amritsar, Amritsar Rural. The officer recorded the

statements of both the parties, inspected the spot and the CCTV camera installed in the house of Pargat Singh was also taken into possession. After conducting a detailed enquiry, the Superintendent of Police (Investigation), Amritsar, Amritsar Rural reached the following conclusion as per his report submitted to the Senior Superintendent of Police, Amritsar Rural:-

“The verification/investigation with regard to the incident of this case had been taking place upto now. During investigation, from the secret and declared enquiry conducted from both the parties related to the case, it has been found that on 27-10-2020 Pargat Singh, Manpreet Singh sons of Buta Singh and his accomplices had tried to take the possession of Gurdwara Shri Bauli Sahib, Village Chamiyari's 10 killa 02 kanals land, in which connection on the statement of Rupinder Singh (Pradhan, Gurdwara Committee, Bauli Sahib) S/o Baldeep Singh R/o Chamiyari, Case No. 337 dated 27-10-2020 U/s 447, 511, 506, 148, 149 IPC 25,27-54-59 Arms Act P.S. Ajnala was registered against Pargat Singh and his accomplices, due to which reason in the enmity of this case only a lot of stress was built between Pargat Singh and Rupinder Singh S/o Baldeep Singh party. On 28-1-2020 Jaskaran Singh S/o Balbir Singh and Gurvinder Singh S/o Mukhtar Singh residents of Mukam at 02:00/02:30 PM were at Ramdas in connection with their some important work, where they had received phone of Kuldeep Singh alias Kaka S/o Salwinder Singh R/o Mukam that he and Harvinder Singh alias Happy S/o Balkar Singh, Harsimran Singh alias Noni S/o Jagtar Singh residents of Mukam had gone to the house of Mistry Sukhdayal Singh R/o Chamiyari for taking opinion about construction of house and after parking their motorcycle in the gali, they were talking to the Mistry by sitting inside the house when noise of abusing was heard from the gali outside that,

"Bahar niklo...tuhanu Gurdwara Bauli Sahib di paili vahan lai madad karan da maza chakhaunde haan." On going above the roof they had seen that Pargat Singh on the gate of his house Manpreet Singh and along with his children, nephews armed with weapons was abusing. While their seeing they had taken his motorcycle inside their house, on which he had told the whole of this matter to Gurvinder Singh. Then Gurvinder Singh had talked to Inspector Ravinder Pal Singh, SHO P.S. Ajnala and had apprized him about this incident and after apprising him both of them had left for Village Chamiyari. On their reaching there, SHO P.S. Ajnala had also reached the spot along with Police party. On seeing the police party Pargat Singh, Manpreet Singh etc. had closed the door of their house, and had sped away from their house along with weapons. On which SHO P.S. Ajnala in their presence had taken out Kuldeep Singh, Harvinder Singh, Simran Singh and had got returned motorcycle from Pargat Singh party. Due to which reason a tension had got created between both of these parties. On getting information about which, the second party armed with weapons had came to Chamiyari. Bullets were exchanged between both the parties between the DVR's time 4-07 PM to 4-10 PM, where Kuldeep Singh alias Kaka and Harsimran Singh had got injured for being hit with bullets, who were taken by their accomplices from Village Chamiyari to Amritsar, for treatment.

After this incident servant Jagtar Singh gets injured in the haveli of Pargat Singh S/o Buta Singh R/o Chamiyari for being hit with bullet, at that time the cameras installed in Pargat Singh's house were also off. As per the report obtained from Electricity Board, there was continuous unobstructed electricity supply at the time of the incident. Around 40/45 minutes after Pargat Singh's servant Jagtar

Singh had got injured, Inspector Ravinder Pal Singh, SHO P.S. Ajnala had reached the scene of crime along with force, upto that time the servant had kept on lying there only in injured condition, who, despite of presence of Scorpio vehicle in the house also, is not taken by Pargat Singh for treatment, and on the repeated insistence of SHO P.S. Ajnala and the Police only he takes him to Civil Hospital, Ajnala, for treatment, where Jagtar Singh dies and in this connection on Pargat Singh's statement Case No. 22 dated 28-01-2021 U/S 302, 307, 452, 323, 429, 148, 149 IPC 25, 27-54-59 Arms Act P.S. Ajnala has been registered.

Proposals

- i. A written ballistic report may be obtained from the doctor with regard to the bullet which had hit deceased Jagtar Singh that from what distance and with which weapon the bullet has been fired.*
- ii. Medical opinion may be obtained with regard to the sprinklers which had hit Pargat Singh's daughter in law Sachinpreet Kaur.*
- iii. The parchat of deceased Jagtar Singh may be sent to FSL and report may be obtained from ballistic expert about Distance of fire and nature of weapon.*
- iv. The report with regard to the blood sample taken from the gali from the scene of crime may be obtained from doctor.*
- v. The Police had taken into custody 02 khol cartridge of 12 bore and 01 cartridge Miss from near the body of servant Jagtar Singh from Pargat Singh's haveli. These khols may be got matched during investigation with Pargat Singh party's 03 DBBL licensed rifles and second party's licensed weapons from Forensic Science Laboratory and report may be obtained.*

vi. *The fight between Pargat Singh, Mandeep Singh sons of Buta Singh residents of Chamiyari and second party Kuldeep Singh alias Kaka S/o Salwinder Singh, Harsimran Singh S/o Jagtar Singh residents of Mukam had openly taken place in the gali. The case which Pargat Singh had got registered with regard to the murder of his servant Jagtar Singh, appears to be suspicious.*

In the above detailed circumstances from my so far verification/investigation it has been found that Case No. 22 dated 28-01-2021 U/S 302, 307, 452, 323, 429, 148, 149 IPC 25, 27-54-59 Arms Act P.S. Ajnala which complainant in the case Pargat Singh S/o Buta Singh has got registered in connection with murder of his servant Jagtar Singh against Kuldeep Singh alias Kaka S/o Salwinder Singh, Harsimran Singh alias Noni S/o Jagtar Singh residents of Mukam etc., appears to be suspicious. In this case Harpreet Singh S/o Balram Singh, Gagandeep Singh S/o Sukhdev Singh, Lakha Singh alias Kalu, Mukhtar Singh alias Mukha sons of Savinder Singh, Mandeep Singh alias Manu sons of Guljar Singh alias Ghuk, either they or their family members are members of Gurdwara Bauli Sahib, Chamiyari's registered committee, their names had been got written for taking illegitimate possession of the land of Gurdwara Bauli Sahib, Chamiyari. From secret and declared enquiry their involvement does not comes to light and neither any role of Gurvinder Singh S/o Mukhtar Singh R/o Mukam in the incident has come to light. The statement got written by the complainant Pargat Singh with regard to the murder of Jagtar Singh given at the time of getting registered case, video of the scene of crime, statements of the witnesses does not match with each other. On seeing the video of the scene of crime the intention of fight of Pargat Singh, Manpreet

Singh sons of Buta Singh party is clearly visible. No outer person is seen entering in their haveli/house after climbing the wall. The DVR of the CCTV cameras installed in the house/haveli of Pargat Singh at time 4-16 PM 12 second, at which time Manpreet Singh's wife Sukhjinder Kaur switches off the cameras, at that time Manpreet Singh is seen in the house holding weapon and at some distance the servant Jagtar Singh is standing in the haveli. Sometime after that only Jagtar Singh servant is murdered. On getting information about which, Inspector Ravinder Pal Singh, SHO P.S. Ajnala along with police party reaches the scene of crime.

So far as cross case report No. 20 dated 30.01.2021 U/s 307, 457, 379, 506, 336, 148, 149 IPC 25-27/54/59 Arms Act P.S. Ajnala is concerned, during my investigation, the bullets etc. which had been exchanged between both of these parties, that, as per the time of the DVR is the incident from 04:07 PM to 04:10 PM outside in the gali, where Kuldeep Singh alias Kaka and Harsimranjit Singh alias Noni had got injured, in which connection, on the statement of Jaskaran Singh, in cross case, the incident had been made of Mohan Pal Singh's haveli, whereas it has come to light that the incident had taken place outside in the gali, from where the Investigating Officer Inspector Ravinder Pal Singh, SHO P.S. Ajnala had recovered the khol and the blood sample. Therefore, committing of offence U/s 452 IPC is not verified in the cross case.

In these circumstances the statement given by Pargat Singh at the time of getting registered case appears to be suspicious. Sometime after the fight that had taken place with the second party Kuldeep Singh alias Kaka in the gali, Mandeep Singh armed with rifle along with his accomplices in the house and at a distance of few steps their servant

Jagtar Singh is standing, is clearly visible in the video recording, after few seconds the cameras gets off. Jagtar Singh servant gets injured for being hit with bullet in suspicious circumstances in the haveli. On getting information about firing, the Police party reached the spot after around 40/45 minutes, till that time the injured is not taken for treatment despite having vehicle in the house, who, on repeated insistence of Police party, is taken to Civil Hospital, Ajnala, where he died. For bringing out the truth in this regard, Narco Analysis/Lie Detector Test of Pargat Singh and Mandeep Singh sons of Buta Singh is required to be conducted in scientific manner. If found appropriate then SHO P.S. Ajnala may be appropriately ordered to undertake further proceedings on the basis of the report and the proposals given during the enquiry.

The report is submitted for approval.

Sd/- Gaurav _ _ _

*Superintendent of Police,
Investigation, Amritsar-Rural*

Approved

SHO Ajnala for further n/a

Sd/-

SSP/ASR-Rural”

5. Meanwhile, Pargat Singh, the initial complainant who had been subsequently nominated as a prospective accused on the basis of the report of Gaurav Toora, filed CRM-M-34512-2021 for the grant of regular bail in the cross DDR bearing G.D. No.20. In the said petition, the Inspector SHO Police Station Ajnala, Harjeet Singh filed a reply dated 22.07.2022. As per the said reply, the statement under Section 161 Cr.P.C. of Manjit Kaur, niece of the deceased-Jagtar Singh had been recorded who had stated that her uncle

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had been murdered by the petitioner-Pargat Singh along with his co-accused and none else. Similarly, the statement of Jagar Singh son of Arjan Singh was also recorded under Section 161 Cr.P.C. in which he stated that it was the petitioner who had shot at the deceased-Jagtar Singh in order to falsely implicate the opposite party. The FSL report regarding matching of the weapons to be recovered from Pargat Singh's family with the pellets/cartridges found at the spot from the body of the deceased was awaited. Similarly, the Narco Analysis/Lie Detector Test of the petitioner-Pargat Singh and another accused Manpreet Singh was to be conducted but Pargat Singh had denied getting his Narco Analysis/Lie Detector Test conducted. Therefore, the entire statement of petitioner-Pargat Singh regarding the murder of Jagtar Singh appeared to be doubtful as was also apparent from the report of Gaurav Toor, IPS, SP (Investigation). It was thus, stated in the reply that even otherwise, a specific role had been attributed to petitioner-Pargat Singh for having caused gunshot injuries to Harsimran Singh and one Kuldeep Singh alias Kaka for which the cross-case bearing G.D. No.20 had been registered. Therefore, it was stated that the petitioner was not entitled to the grant of bail.

6. Meanwhile, Harpreet Singh, son of Balram Singh filed CRM-M-15772-2022 praying for the issuance of directions to the respondents to conduct a free and fair investigation in FIR No.22 dated 28.01.2021 under Sections 302, 307, 452, 323, 429, 148, 149 of IPC, 1860 and Sections 25, 27, 54, 59 of the Arms Act, 1959 Police Station Ajnala, District Amritsar Rural. It was contended that specific inputs had been provided by Gaurav Toora, IPS

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Officer, who was Superintendent of Police (Investigation) as to how the further investigation was to be carried out after he himself had conducted a detailed and scientific investigation. Instead of diluting the said investigation, the respondent/State ought to have concluded the investigation based on the inputs/suggestions provided by the said IPS Officer.

7. In the said petition, a reply dated 24.05.2023 of Sanjeev Kumar, PPS, DSP, Ajnala, Amritsar Rural came to be filed. As per the said reply, Pargat Singh had refused to get conducted his Narco Analysis/Lie Detector Test. The clothes of the deceased-Jagtar Singh revealed that the firing was from close range. The weapon used was a 12 bore gun. The injury on the person of Sachinpreet Kaur, daughter-in-law of Pargat Singh could have been caused with a blunt weapon and during the course of investigation, Pargat Singh and his family members had refused to deposit their three licenced DBBL guns on one pretext or the other. The said weapons were to be recovered as the weapon used to kill the deceased-Jagtar Singh was a .12 bore DBBL gun. Only one direction issued by Mr. Gaurav Toora, IPS the then Superintendent of Police (Investigation), Amritsar, Amritsar Rural remained to be complied with as regards the matching of the cartridges with the licensed DBBL guns. The investigation apparently had been carried out in a free and fair manner and it was only the stone-walling of the accused-Pargat Singh and his family members that was further delaying the conclusion of the same. As per the reply, the report under Section 173 Cr.P.C. in the cross-case under Section 307 IPC already stood submitted against Pargat Singh and other whereas the report inculcating Pargat Singh and

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others in the case under Section 302 IPC for causing the death of Jagtar Singh was to be presented shortly.

8. The learned counsel for the petitioner-Pargat Singh contends that he has been falsely implicated in the instant case. In fact, he had got registered an FIR under Section 302 against the opposite party for the murder of his servant Jagtar Singh. The opposite party in connivance with the Investigating Agency has falsely implicated him and his co-accused for the murder of Jagtar Singh. As regards the cross-case bearing G.D. No.20 for injuries being caused to Harsimran Singh and Kuldeep @ Kaka at most it could be said that the petitioner had caused injuries in his self-defence as his servant had been shot dead and his daughter-in-law Sachinpreet Kaur had received gunshot injuries. As he was in custody since 13.07.2021 and none of the prosecution witnesses had been examined so far, he was entitled to the concession of bail.

9. The learned counsel for the complainant who is also counsel for the petitioner in the direction petition bearing CRM-M-15772-2022 on the other hand, contends that while it was true that it was Pargat Singh who had got registered an FIR against Harpreet Singh and others, during the course of an investigation which had been carried out by an IPS Officer it had been categorically found that it was the petitioner and his co-accused who had committed the murder of Jagtar Singh so as to falsely implicate the other side. This was in addition to the petitioner being the main accused in the cross-case bearing G.D. No.20 under Sections 307 IPC etc. Despite being asked to do so, the petitioner had refused to get conducted his Narco

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Analysis/Lie Detector Test and he along with his family had refused to hand over their licenced 12 bore DBBL weapons so that the same could be matched by the FSL with the cartridges/pellets found at the spot/body of the deceased. Therefore, in view of the allegations against the petitioner and his conduct of stone-walling the investigation, he was not entitled to the concession of bail.

As the regards the petition under Section 482 Cr.P.C. for the issuance of necessary directions, he contends that in view of the reply dated 24.05.2023 filed by Sanjeev Kumar, PPS, DSP, Ajnala Amritsar (Rural), Amritsar, he does not wish to press the petition at this stage as apparently, the directions for further investigation given by Gaurav Toora, IPS have been complied with by the local police and therefore, there was no necessity to hand over the investigation to any other officer or any other Investigating Agency.

10. The learned State counsel while referring to the replies dated 22.07.2022 filed in CRM-M-34512-2021 and 24.05.2023 filed in CRM-M-15772-2022 contends that the investigation conducted so far as established the culpability of the petitioner and his co-accused not only in the cross-case under Section 307 IPC but also in the main FIR under Section 302 IPC where the petitioner is the first informant. In fact, it has been found that Jagtar Singh (deceased) who was the servant of the petitioner-Pargat Singh had been murdered by Pargat Singh himself. The report under Section 173 Cr.P.C. had already been submitted against Pargat Singh in the cross-case bearing G.D. No.20 under Sections 307 IPC etc. and a supplementary report under

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Section 173(8) Cr.P.C. would be submitted against Pargat Singh and his co-accused for the offences under Sections 307 IPC etc. within the next four weeks. He, therefore, contends that the petitioner was not entitled to the grant of bail. Even otherwise, he was a habitual offender with multiple cases registered against him.

11. I have heard the learned counsel for the parties.

12. Admittedly, the FIR had been registered at the instance of the petitioner-Pargat Singh son of Boota Singh against 10 accused and a cross-case had been registered against the petitioner and 8 other co-accused. On applications being moved by both the parties, a scientific and thorough investigation was conducted by Mr. Gaurav Toora, who was an IPS Officer. The said investigation *prima facie* established the culpability of the petitioner and his co-accused and exonerated the opposite side comprising of Harpreet Singh etc. Based on the recommendations made, a further investigation was conducted which has further nailed the lie of the petitioner regarding the allegations levelled by him against the opposite party for the murder of Jagtar Singh. In fact, the investigation has clearly revealed that it was the petitioner who had committed the murder of Jagtar Singh to falsely implicate the opposite party. The conduct of the petitioner and his co-accused also leaves a lot to be desired. They have refused to get conducted their narco analysis tests and have also refused to hand over their licenced weapons for examination by the FSL for which an adverse inference can be drawn against the petitioner.

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13. In view of the aforementioned facts and circumstances, the petitioner is not entitled to the grant of bail. Therefore, CRM-M-34512-2021 stands dismissed.

14. As regards CRM-M-15772-2022, in view of the submissions made by the counsel for the petitioner therein and the reply filed by Sanjeev Kumar, PPS, DSP Ajnala, Amritsar Rural, the petition is ordered to be dismissed as withdrawn at this stage.

(JASJIT SINGH BEDI)
JUDGE

21.08.2023

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No