

CRM-M-39711-2023 (O&M) AND
CRM-M-39745-2023 (O&M)

107 (2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: August 11, 2023

1. CRM-M-39711-2023 (O&M)

Amit Kumar @ Ravi Pardhan

....Petitioner

versus

State of Punjab

....Respondent

2. CRM-M-39745-2023 (O&M)

Bagga @ Pagga

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Munish Kumar, Advocate for petitioner(s).

Mr. Dhruv Dayal, Additional AG Punjab.

ARUN MONGA, J. (ORAL)

Vide this common order and judgment, above-mentioned two cases are being disposed of since they arise out of the same FIR. For brevity, recitals are taken from CRM-M-39711-2023.

2. After being declined anticipatory bail by the trial Court, petitioners, in both the petitions, before this Court seek their release on anticipatory bail in a case bearing FIR No.72dated 29.05.2021, registered under Sections 302, 336, 506, 148 read with Section149 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 25 and 27 of Arms Act, 1959 (for short 'Arms Act'), at Police Station, Sadar Ferozepur, District Ferozepur.

3. Per First Information Report (FIR), on May 29, 2021, at approximately 02:00 p.m., all the accused named in the FIR gathered outside the house of the complainant (Vijay Kumar). David, also known as Laddi, and Rishu were involved in a fight with the complainant's younger brother, Sonu, who is also known as Choocha. A

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Panchayat (local council meeting) was convened at the house of co-accused Mohinder Pal, who is the complainant in a cross-version case. Meanwhile, all the accused assembled outside the complainant's house and searched for the complainant's nephew, Jaffar, but they did not find him and left the premises. At around 4:00 p.m., when the Panchayat was convened at Mohinder Pal's house, David, armed with a pistol, along with Akash, Abbi, Jagga, Bagga (petitioner in CRM-M-39745-2023), Rinku, Samson, and Ravi Pardhan (petitioner in CRM-M-39711-2023), opened an attack upon Sonu. As a result, Sonu suffered a gunshot wound and was thrown by the assailants from the roof of the house. Eventually, petitioners, David, Rinku, and the other accused fled from the scene of occurrence.

4. Learned counsel for petitioners submits that it is a case of version and cross-version. Petitioners have falsely been implicated in the present case. He further submits that no specific allegation has been levelled in the FIR against them by the complainant. He further contends that following registration of cross-case, complainant got recorded his supplementary statement on 07.06.2021 after unexplained delay of more than 9 days, therefore, false implication of the petitioner cannot be ruled out.

4.1. Learned counsel further submits that co-accused of the petitioners, namely Mohinder Pal has been granted concession of anticipatory bail by this Court vide order dated 22.03.2023 (Annexure P-1) passed in CRM-M-59439-2022. Petitioners are entitled to be released on bail on parity with the aforesaid co-accused.

5. On the other hand, learned State counsel, on instructions from ASI Gurnam Singh, opposes the bail petition. He submits that petitioners have committed a serious offence. Petitioners were specifically named in the statement of complainant. Petitioners along with other accused gave beatings to brother of complainant. They threw his brother from terrace after firing shots on him. Brother of the complainant succumbed to firearm injuries. He further submits that if petitioners are released on anticipatory bail, they may tamper with evidence and/ or influence/ intimidate the witnesses and also flee from trial proceedings. He further urges that no parity can be claimed by petitioners with co-

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accused Mohinder Pal, who has not been attributed any specific role except that the occurrence took place at the house of co-accused Mohinder Pal.

6. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

7. In this case, petitioners along with his co-accused had given beatings to Sonu @ Chuha (brother of complainant) and threw him from terrace after firing shots at him resulting in death of Sonu @ Chuha. The offence committed by the petitioners is grievous in nature.

8. Given the nature of offence committed by the petitioners, in my opinion, they are not entitled for the concession of anticipatory bail. Conduct of the petitioners does not entitle them to the indulgence from this Court. I am of the view that petitioners are required for custodial interrogation and are not entitled to any concession of grant of anticipatory bail, as possibility of misusing the same by petitioners cannot be ruled out at this stage. I find force in the contention of learned State counsel that in case petitioners are let out at this stage, there is every possibility of their tampering with evidence and influencing the witnesses and/or fleeing from trial proceedings.

9. As an upshot, no indulgence is warranted by this Court to grant concession of anticipatory bail to petitioners. Instant bail petition is thus dismissed.

10. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of disposal of the instant bail petition alone and learned trial Court shall proceed in accordance with law without being influenced with this order, if/ when any fresh bail application is moved by the petitioners.

11. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 11, 2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No