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(212)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-44375-2022  
Date of Decision: 25.04.2023

VARINDERPAL SINGH @ VICKY

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. B.S. Jaswal, Advocate  
for the petitioner.

Mr. Kirat Singh Sidhu, D.A.G, Punjab.

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JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.135 dated 04.08.2021 registered under Sections 307/148/149 of IPC, 1860 (Sections 302/212/216/120-B of IPC added later on) and Sections 25/27 of Arms Act, 1959 at Police Station Majitha Road, District Amritsar.

2. The brief and relevant facts of the case are that the aforesaid case FIR No.135 dated 04.08.2021 was registered on the statement of the complainant-Satyavarnjit Singh, who alleged that on 03.08.2021, he along with Rajbir Singh had come to K.D. Hospital, Amritsar to know the well being of Khushveen Kaur resident of their village, who was admitted in the ICU of K.D. Hospital, Amritsar. After meeting her, they sat on chairs outside the ICU and at about 07.00 PM, his son Ranbir Singh @ Rana and a friend Tejbir Singh also came there to know the well being of Khushveen Kaur. At

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about 07.15 PM, they came out of the ICU after meeting her and in the meantime, 4/5 unknown armed persons came there through the stairs and started firing gunshots with their pistols and revolvers at his son Ranbir Singh @ Rana and Tejbir Singh. Arun Kumar, Security Guard of the hospital tried to restrain them but the assailants fired gunshots at him also, which hit his right shoulder. His son Ranbir Singh @ Rana sustained gunshot injuries on his head, chest and leg and Tejbir Singh received gunshot injuries on his back and hand and they got drenched in a pool of blood. He further alleged that the aforesaid assailants ran away from the spot while firing gunshots with their respective weapons and he got his son and Tejbir Singh admitted in the hospital. He was confident that Jagdeep Singh @ Jaggu Bhagwanpuria was behind the attack upon his son Ranbir Singh @ Rana and Tejbir Singh, because he (Jagdeep Singh @ Jaggu) had an old enmity with his son. He further alleged that Jagdeep Singh @ Jaggu (co-accused) had got attacked his son and Tejbir Singh through his (Jagdeep Singh @ Jaggu Bhagwanpuria's) associates Mani Rayya, Jagroshan Hundal and other unknown persons.

Subsequent to the registration of the FIR, the injured Ranbir Singh Rana succumbed to his injuries during treatment at K.D Hospital, Amritsar on 04.08.2021 and the offence under Section 302 IPC was added in the case vide G.D No. 13 dated 04.08.2021.

During the course of investigation, the statement of the injured Tejbir Singh was recorded on 04.08.2021 by the Investigating Officer, wherein he reiterated the allegations made by the complainant Satyavarnjit

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Singh and asserted that co-accused Jagdeep Singh @ Jaggu Bhagwanpuria had planned the attack upon him and the deceased Ranbir Singh @ Rana through his accomplices Mandeep Singh @ Manni Rayya, Mandeep Toofan, Jagroshan Hundal and other unknown persons.

Thereafter, the accused Nanit Sharma @ Sourav was arrested on 07.08.2021 (he has been granted bail vide order dated 19.07.2022 (Annexure P-4) passed in CRM-M-13252-2022 and a car No. PB06-AQ-4571 (i-20) was recovered from him and offences under Sections 212, 216 & 120-B IPC were added in the case on 07.08.2021 as it was revealed from his interrogation that the accused Mandeep Toofan long with Gurminderjit Singh @ Happy and other co-accused had killed the deceased Ranbir Singh @ Rana Kandowalia and during cross firing Gurminderjit Singh @ Happy Shah also sustained a firearm injury. Therefore, on the asking of Mandeep Toofan, he (Nanit Sharma) along with Laddi, Jagtar Singh and Prabhjot Chatha, had got admitted Gurminder jit Singh @ Happy Shah in Johal Hospital, Batala for treatment. Thereafter, they had arranged a safe escape for the co-accused Mandeep Toofan, Jagroshan Hundal, Manni Rayya and Gurminderjit Singh @ Happy Shah from the city on their vehicle. During custodial interrogation, one pistol .32 bore made in Italy was recovered from the house of Nanit Sharma @ Sourav on 10.08.2021 pursuant to his disclosure statement dated 10.08.2021. The co-accused Gurminderjit Singh @ Happy @ Shah was arrested on 10.08.2021 in the present case and a pistol .32 bore with 5 live cartridges was recovered from him. The co-accused Gurpreet Singh @Gopi was arrested on 10.08.2021 (he has been granted bail vide order dated

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19.04.2022 passed in CRM-M-50357-2021 Annexure P-3. The accused Kharak Singh @ Laddi was arrested on 11.08.2021 (since granted bail vide order dated 19.04.2022 passed in CRM-M-39005-2021 Annexure P-3. The custody of Mandeep Singh Pargat Singh @ Deep, was taken by the investigation officer from the Central Jail, Amritsar on the basis of production warrants and he was formally arrested on 06.08.2021.

During the course of investigation, the custody of co-accused Jagroshan Hundal and the petitioner (Varinderpal Singh @ Vicky) was obtained from the Central Jails, Sangrur and Hoshiarpur respectively, on the basis of production warrants and they were formally arrested in the case on 28.10.2021.

During the investigation, and from the custodial interrogation of co-accused Jagroshan Hundal, it was revealed that the he was an active member of a gang operated by the co-accused Jagdeep Singh Jaggu Bhagwanpuria and he (Jagroshan Hundal) was having an old enmity with the deceased Ranbir Singh @ Rana Kandowalia. It was further found that he (Jagroshan Hundal) along with other co-accused had earlier attacked upon the deceased Ranbir Singh @ Kana Kandowalia to kill him by firing gunshots at him. A case FIR No 15 dated 12.02.2020 under Section 307, 427/34 IPC R/w 25 & 27 Arms Act was registered at Police Station Chattiwind, Amritsar (Rural) against him and others for that occurrence.

During the course of investigation, it was found on the basis of the disclosures made by the co-accused Nanit Sharma, Gurminderjit Singh @ Happy Shah, Gurpreet Singh @ Gopi and Kharak Singh @ Laddi that the

deceased Ranbir Singh @ Rana Kandowalia and co-accused Jagdeep Singh @ Jaggu Bhagwanpuria belonged to opposite gangs and they were at loggerheads with each other. It was also revealed that co-accused Jagdeep Singh @ Jaggu Bhagwanpuria had made a plan to commit the murder of the deceased Ranbir Singh @ Rana Kandowalia while in judicial custody in Tihar Jail, Delhi and the co-accused Jagdeep Singh @ Jaggu Bhagwanpuria had deputed co-accused Mandeep Singh @ Toofan @ Doctor Sandhu, Jagroshan Hundal, Mani Rayya, Deepak alias Decpu, Monu Dollar and another Haryanvi boy and had also provided them the weapons for committing murder of the deceased-Ranbir Singh @ Rana Kandowalia.

The co-accused Sukhraj Singh @ Goldy was granted pre-arrest bail by this Court vide order dated 28.03.2022 passed in CRM-M No.10770 of 2022. He joined the investigation on 05.04.2022 and was formally arrested and released on bail after furnishing of bail and surety bonds to the satisfaction of the investigating officer on the same day.

On the basis of evidence collected during the course of investigation of the aforesaid case, offences under Section 25 (6), (7) & (8) of Arms Act were added and gangster Lawrence Bishnoi was also nominated as co-accused in this case vide G.D No. 48 dated 20.06.2022. The co-accused Lawrence Bishnoi was arrested in this case on 27.06.2022. The co-accused persons Mandeep Singh @ Mannu @ Toofan @ Doctor Sandhu, and Manpreet Singh @ Mani were arrested on 01.10.2022. The co-accused Deepak @ Deepu, Divanshu @ Pehalwan @ Saka, Satinder Singh @ Goldi

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Brar and Darmanjot Singh @ Darman Kahlon are absconding and yet to be arrested.

An Investigation Report/challan under section 173 Cr.P.C. was submitted in the court of the Area Judicial Magistrate, Amritsar against the co-accused Gurpreet Singh, Nanit Sharma, Gurminderjit Singh @ Happy Shah and Kharak Singh on 29.10.2021. A Supplementary Investigation Report/challan under Section 173 (8) Cr.PC was submitted against the petitioner and co-accused Jagroshan Hundal and Monu Dagar on 24.01.2022. Another Supplementary Investigation Report/ Challan under Section 173 (8) Cr.P.C was submitted against the co-accused Sukhraj Malhi, Lawrence Bishnoi, Jagdeep Singh @ Jaggu Bhagwanpuria in the Court of Area Judicial Magistrate, Amritsar on 21.09.2022. Yet another Supplementary Investigation Report/ Challan under Section 173 (8) Cr.P.C was submitted against the co-accused Manpreet Singh @ Mani Rayya and Mandeep Singh Mannu @ Toofan @ Doctor Sandhu in the Court of the Area Judicial Magistrate, Amritsar on 23.12.2022.

3. The learned counsel for the petitioner contends that the petitioner has been nominated on the basis of the disclosure statement of his co-accused Nanit Sharma @ Sourav, Gurminderjit Singh @ Happy Shah, Gurpreet Singh @ Gopi, Monu Daggar and Jaggu Bhagwanpuria and it has been found that he has given shelter to the co-accused i.e. shooters, namely, Gurminderjit Singh @ Happy Shah, Mandeep Singh @ Manu Toofan, Manu Daggar, Deepak @ Deepu, Divanshu Pehalwan, Mani Rayya and co-conspirator Jagroshan Hundal. As per investigation, the petitioner is not one

of the assailants. Since he was in custody since 28.10.2021 and none of the 57 prosecution witnesses had been examined so far, the petitioner was entitled to the grant of regular bail, moreso, when his co-accused namely, Gurpreet Singh @ Gopi, Kharak Singh @ Ladi, Nanit Sharma @ Sourav and Sukhraj Singh had been granted the concession of bail.

4. On the other hand, the learned State counsel contends that the petitioner is part of the conspiracy to commit the offence in question. He has criminal antecedents with 04 other cases registered against him and therefore, he was not entitled to the grant of bail. He however, concedes that as per the investigation, the petitioner is not one of the assailants, is in custody since 28.10.2021 and none of the 57 prosecution witnesses had been examined so far.

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

6. Admittedly, as per police investigation, the petitioner is not one of the assailants who committed the offence in question. Taking the allegations to be true, the petitioner is stated to have harboured the alleged assailants. He is stated to be in custody since 28.10.2021 and none of the 57 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. As many as 04 co-accused of the petitioner, namely, Gurpreet Singh @ Gopi, Kharak Singh @ Ladi, Nanit Sharma @ Sourav and Sukhraj Singh have been granted the concession of bail. In such a situation, the further incarceration of the petitioner is not required, moreso, when 03 out of the 04 cases against the

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petitioner pertain to the alleged commission of relatively minor offences under the Prison's Act, the arms Act etc.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Varinderpal Singh @ Vicky son of Baldev Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the cases mentioned in this order.

9. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)  
JUDGE

25.04.2023

JITESH

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