

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-47630-2023 (O&M)
DATE OF DECISION :- 12.10.2023**

GURJANT SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ashit Malik, Advocate for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Deepak Grover, Advocate for the complainant.

JASGURPREET SINGH PURI, J (ORAL)

1. The present is a first petition filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in case FIR No. 196 dated 27.07.2023, under Sections 148, 149, 323, 379-B, 452 and 506 of IPC, registered at Police Station Ismailabad, District Kurukshetra.

2. Learned counsel appearing on behalf of the petitioner has submitted that it is a case where the allegations against the petitioner and the other co-accused are that they had come to the house of the complainant namely Akash who had given complaint to the police that after coming to the house, they had given beatings to the complainant which caused internal injuries and it all happened in a planned manner

and they also threatened to kill him but with the God's grace he was saved at that point of time. Thereafter, there was a snatching of 'kara', silver chain and Samsung made mobile phone and they went away.

3. Learned counsel for the petitioner further submitted that the name of the petitioner is not figuring in the present FIR whereas the name of the other co-accused including one of the co-accused namely Karnail Singh has figured in the FIR. He submitted that on the similar footing, another co-accused namely Kashmir Singh had filed the petition before this Court for grant of anticipatory bail and he has been granted interim bail on the ground that his name was not figuring in the FIR and, therefore, on the basis of disclosure statement his name has been nominated and, therefore, the petitioner is at parity with the aforesaid Kashmir Singh.

4. He further submitted that there were no direct allegations against the petitioner in the FIR and also being at parity with the aforesaid Kashmir Singh, he may be considered for the grant of anticipatory bail.

5. On the other hand Ms. Harpreet Kaur, AAG, Haryana has submitted that reply has been filed by way of an affidavit of Sh. Rajat Gulia, DSP, Pehowa, District Kurukshetra in the Court today and copy has been supplied to learned counsel for the petitioner in advance. While referring to the aforesaid reply she submitted that although the name of the petitioner did not figure in the FIR but during the course of the investigation it was found that there was a CCTV footage which was although away from the spot where the occurrence of beating had taken place but it could be seen that there were seven accused persons including

the present petitioner who were going towards the house of the complainant and the aforesaid present petitioner was duly identified from the CCTV footage by the brother of the complainant namely Aman Kumar and certificate under Section 65B of the Indian Evidence Act has been obtained in this regard.

6. While further referring to the affidavit, she has submitted that while checking the CCTV camera and after examining the pen drive the present petitioner namely Gurjant Singh was seen in the footage being identified by Aman Kumar brother of the complainant and he has actively participated in the crime with the other co-accused and his custodial investigation is required to complete the investigation.

7. While referring to Para 13 of the affidavit she further submitted that the present occurrence of beatings had taken place on 24.07.2023 and complainant namely Akash committed suicide on the very next date i.e. 25.07.2023 and an FIR No.44 dated 07.08.2023 has been registered against even the present petitioner along with the other co-accused under Sections 306 and 34 IPC at Police Station GRP Kurukshetra, She further submitted that for the purpose of elicitation of truth, the petitioner is required for custodial investigation and he does not deserve the concession of anticipatory bail. She also submitted that so far as the claim of parity claimed by the learned counsel for the petitioner with the other co-accused namely Kashmir Singh is concerned the petitioner is not at parity with the aforesaid Kashmir Singh because at that point of time when interim bail was granted to Kashmir Singh it was not brought to the notice of the Court by any of the learned counsel for the

parties that Kashmir Singh was also identified in the CCTV footage. Now, as per the affidavit filed by the DSP, Kashmir Singh was also identified in the CCTV footage and duly identified by the brother of the complainant and even otherwise also the other anticipatory bail filed by the co-accused is still pending and it has not been decided by the Court.

8. Mr. Deepak Grover, Advocate appearing on behalf of the complainant has also opposed the grant of anticipatory bail to the petitioner on the ground that it is a case where the petitioner was duly identified in the CCTV footage and the occurrence had taken place on 24.07.2023 and, thereafter, the complainant was excessively harassed by the petitioner and the other co-accused. He committed suicide on the very next day. As per the brother of the complainant it is a case of killing and not a case of suicide. He submitted that his arguments get substantiated from the fact that after the complainant Akash was admitted in the hospital after being injured, the relatives of the petitioner were found roaming in the hospital where the aforesaid complainant was admitted and the same has also been captured in the CCTV footage. Suddenly, he was found to be crushed under the train and a story of suicide was being made whereas it is as a case where he was murdered. He also opposed the grant of bail to the petitioner on the aforesaid ground in this regard.

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

10. It is a case where the present FIR No. 196 dated 27.07.2023, has been lodged under Sections 148, 149, 323, 379-B, 452 and 506 of the Indian Penal Code. Occurrence has taken place on 24.07.2023. The complaint was given immediately by the complainant namely Akash. On

the next date i.e. on 25.07.2023 he died. As per the FIR which was registered later on the petitioner is also nominated as an accused in the aforesaid FIR although under Section 306 IPC. But as per the learned counsel for the complainant it was a case of killing and not a suicide because the relatives of the petitioner were found roaming in the hospital after he was admitted in the hospital and suddenly the deceased was found crushed under the train and as per the learned counsel for the complainant all efforts are being made to assist the police in the investigation to unveil the truth as to whether it was a case of suicide or it was a case of killing.

11. So far as the parity which is claimed by the learned counsel for the petitioner with regard to other co-accused i.e. Kashmir Singh is concerned, a perusal of the order passed by this Court while granting interim bail would show that it is only an interim order which was passed by this Court and the case is still pending and fact of Kashmir Singh also being identified in CCTV footage was not brought to the notice of this Court.

12. However, as per the learned counsel for all the parties the undisputed fact is that the aforesaid Kashmir Singh was never nominated as an accused in the subsequent FIR registered under Section 306 IPC, whereas, the petitioner has been nominated as an accused in the subsequent FIR under Section 306 IPC and, therefore, it cannot be said that the petitioner is at parity with the aforesaid Kashmir Singh.

13. Be that as it may, even otherwise also as per the affidavit now filed by the State counsel in the present case and as per the learned counsel for the State and the complainant, this Court is of the view that

considering the gravity of the allegations as aforesaid, the present petitioner does not deserve the concession of anticipatory bail.

14. Consequently, the present petition is dismissed.

15. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

12.10.2023

P.Singh/Jatin

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*