

CRM-M-48558-2023

2023:PHHC:153485

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(219)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48558-2023

Date of Decision:01.12.2023

HARPREET SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Inderjit Singh Chawla, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

This 2nd petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.209 dated 01.12.2021 registered under Sections 307, 411, 120-B IPC, 1850, Section 25 of Arms Act, 1959 and Section 21 of NDPS at Police Station City Moga, District Moga, Punjab.

2. The present FIR came to be registered on the statement of Sunil Dhamija alias Sonu son of Kundan Singh who stated that he was in the finance business. On 01.12.2021 at about 11.45 AM when he and his son Pratham Dhamija were going to their office on a motorcycle, another motorcycle came parallel to their (complainant party's) motorcycle. Two persons were riding on that motorcycle. The pillion rider fired a shot with his pistol towards them (complainants). He (complainant) alighted from the motorcycle and ran towards his house to save himself but fell on the ground. The pillion rider came to him and put the pistol on his head near the ear. In the meantime, his son Pratham struck his motorcycle on the legs of that

person. The said person fell on the ground and the pistol also fell on the ground. Then he (complainant) picked up the said pistol. Then the driver of the motorcycle fired a shot from his pistol with an intention to kill them (complainant party) which struck the left leg of his son Pratham who fell down on the ground. Then, the pillion rider attempted to snatch the pistol in his (complainant's) hand and a scuffle took place. In the meantime, the driver of the motorcycle tried to fire another shots towards him (complainant) but a part of the pistol fell down and the pistol did not fire. However, in a fit of rage, blows were given on his (complainant's) head with the butt of the pistol. On raising of an alarm, the assailants fled away. However, the pillion rider slipped, was apprehended and received injuries on his head. The person who was apprehended disclosed his name as Monu Daggar and disclosed the name of the absconding person as Jodha.

During the course of investigation, the complainant produced the pistol of Monu Daggar and 8 live cartridges were recovered from the magazine of the pistol. The various parts of the pistol were also recovered. From the right pocket of the pant of Monu Daggar, 500 loose intoxicant tablets came to be recovered and from his left pocket a further 500 loose intoxicant tablets were recovered.

On 04.12.2021 Monu Daggar disclosed the complete name of his co-accused as Jodha @ Amarjit Singh Ball @ Jodha @ Jota son of Malkit Singh. He also named one Goldy Brar as an accused and vide DDR No.24 dated 04.12.2021, Goldy Brar was nominated as an accused. On the same day, Monu Daggar disclosed that they had reached on the spot on a Creta vehicle on 06.12.2021. Monu Daggar got recovered the said Creta vehicle

bearing No.PB07BE7874 which was being driven by Harpreet Singh (petitioner) son of Angrej Singh.

During investigation on 06.12.2021, Harpreet Singh disclosed that Goldy Brar and Lawrence Bishnoi had sent him Rs.60,000/- through unknown persons and he used to speak to Jaggu Bhagwan Puria, Goldy Brar and Lawrence Bishnoi on different phone numbers. The petitioner got recovered his Apple Iphone. On the basis of the said statement, the aforementioned accused were nominated as accused in the present case vide DDR No.36 dated 08.12.2021. On 09.12.2021 on the basis of the statement of Monu Daggar, Chattar Singh son of Sulkha Singh and Baljinder Singh @ Sunny son of Paramjit Singh were nominated as accused. The challan was presented against Monu Daggar and Harpreet Singh on 01.02.2022 whereas Lawrence Bishnoi and Jagdeep Singh @ Jaggu Bhagwan Puria were arrested on the basis of production warrants and a supplementary challan was presented against them on 07.11.2022.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case only on the basis of the disclosure statement of his co-accused. One material witness namely, the complainant-Sunil Dhamija @ Sonu has been examined and has not supported the prosecution case. As the petitioner was in custody since 06.12.2021 and only 02 of the 14 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, the petitioner was entitled to the concession of bail.

4. A short reply dated 01.12.2023 by way of an affidavit of Bhupinder Singh Bhullar, PPS, Deputy Superintendent of Police (Narcotic)

Moga-Additional Charge of Deputy Superintendent of Police (City), Moga, District Moga has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that during the course of investigation, it transpired that the petitioner had received a sum of Rs.60,000/- in two different instalments from Lawrence Bishnoi, Jaggu Bhagwan Puria and Goldy Brar. They had also provided him a motorcycle used in the occurrence. He was also in contact with the aforementioned accused on different phone numbers. On the basis of the confessional statement, his mobile phone had been recovered through which he used to talk to the aforementioned accused. Monu Daggar had been arrested at the spot and had suffered injuries and was medico-legally examined at Civil Hospital, Moga. This fact itself establishes the veracity of the prosecution case. During investigation, Monu Daggar had disclosed that the petitioner had brought them (Monu Daggar and co-accused Jodha @ Amarjit Singh Ball @ Jodha @ Jota) to the place of occurrence in a Creta car which had been recovered on the basis of the said disclosure statement of Monu Daggar while the petitioner was driving the same. The complainant had turned hostile for obvious reasons looking at the antecedents of the accused. Therefore, there was ample evidence available inculcating not only the petitioner but the other accused as well. In fact, as many as 12 prosecution witnesses were to be examined including the doctor and police officials who had investigated the case. Therefore, at this stage, it could not be said that the petitioner was entitled to the grant of bail as the complainant had been examined and had turned hostile.

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

6. The allegations levelled against the petitioner and his co-accused are extremely grave. Merely because the complainant has turned hostile would not entitle the petitioner to the grant of bail in the peculiar facts and circumstances of the present case. Even otherwise, as many as 12 prosecution witnesses including the various police officials who conducted the investigation and the concerned doctors are yet to be examined.

7. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

01.12.2023

JITESH

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