

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

Date of decision : 21.09.2023

CRM-M-58162-2022

Balraj Singh alias Boori

....Petitioner

Versus

State of Punjab

....Respondent

CRM-M-12100-2023

Harmanpreet Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Hitesh Chopra, Advocate
for the petitioner in CRM-M-58162-2022.

Mr. Umaid S. Mann, Advocate
for the petitioner in CRM-M-12100-2023.

Mr. Amit Shukla, Asstt. Advocate General, Punjab
for the respondent-State.

PANKAJ JAIN, J. (ORAL)

Petitioners herein are seeking regular bail in case FIR
No.176 dated 19th of November, 2019 registered at Police Station
Kamboj, Amritsar Rural.

2. FIR was lodged on the complaint made by one Baldev
Singh son of Channan Singh alleging as under :

“Statement of Baldev Singh son of Channan Singh resident of Pandori Waraich Police Station Combo age about 65 Years Mobile No. 98553-18466. Stated that I am a resident of the said address and working. in Mahakali Factory Pandori Waraich. I have three children, the elder son Kuldeep Singh who works in the army and the younger Hardeep. Singh who works with me in the Mahakali Factory and the youngest Mandeep Singh who is about 26 years old and my three boys were married but since about 4 years ago Mandeep Singh has divorced with his wife and Mandeep Singh lives with me and the other boys live separately and Mandeep Singh sometimes comes to earn daily wages. mostly he stays idle and also does drugs etc. which I got treated a few months ago. Today at about 06.30 in the evening I came to know in the factory that my boy Mandeep Singh was shot out by the unknown person near the house of Balwinder Singh son of Tarlok Singh resident of Pandori Waraich on the road leading from the village to Bhaisalo ji near Mariya of the village. In this regard he had reached the spot along with his son Kuideep Singh and brother Dharminster Singh. The body of the my boy Mandeep Singh was lying on the side of the road. There were bullets in his body and head and the activa scooter is also lying nearby. My son Mandeep Singh has been shot and killed by unknown persons. I and my brother Dharminster Singh were left on the spot and I along with my son Kuldeep Singh were going to the police station for information. You have met with us and written a statement. The legal action should be taken. Sd/- Left Thumb Baldev Singh above said Attested by Kashmir Singh INSP Station House Officer Police Station Kamboj dated 19.11.2019. Police Proceeding:- Today, INSP/SHO including ASI Karnail Singh 372, SI Tejpall Singh 372, ASI Kewal Singha 1430, HC Paramjit Singh 342, PHG Balbir Singh 2850 riding with the govt vehicle. The vehicle whose driver CT Gurjanbir Singh 1964 was going to Muradpura, Pandori etc. in connection with the search of bad elements. In the area of Village Muradpura, SI

Tarlok Singh including ASI Amar Singh 1189 met with us and the above said were joined in the police party and going in the Village Pandori Waraich. When they reached near the village Pandori Waraich, Baldev Singh above said along with his son Kuldeep Singh came to me and wrote his statement. The statement was written, read and the same is correct. He put his left thumb impression which is identified by me. On the basis of the statement, the offence U/S 302, 34 IPC, 25/54/59 A.ACT is made out, on which the original statement is being sent to the police station through Ct Gurajanbir Singh 1964. The case should be registered and the number should be informed about the case. The special report should be sent to the higher officials and the Illaqa Magistrate. The information should be sent to the control room.”

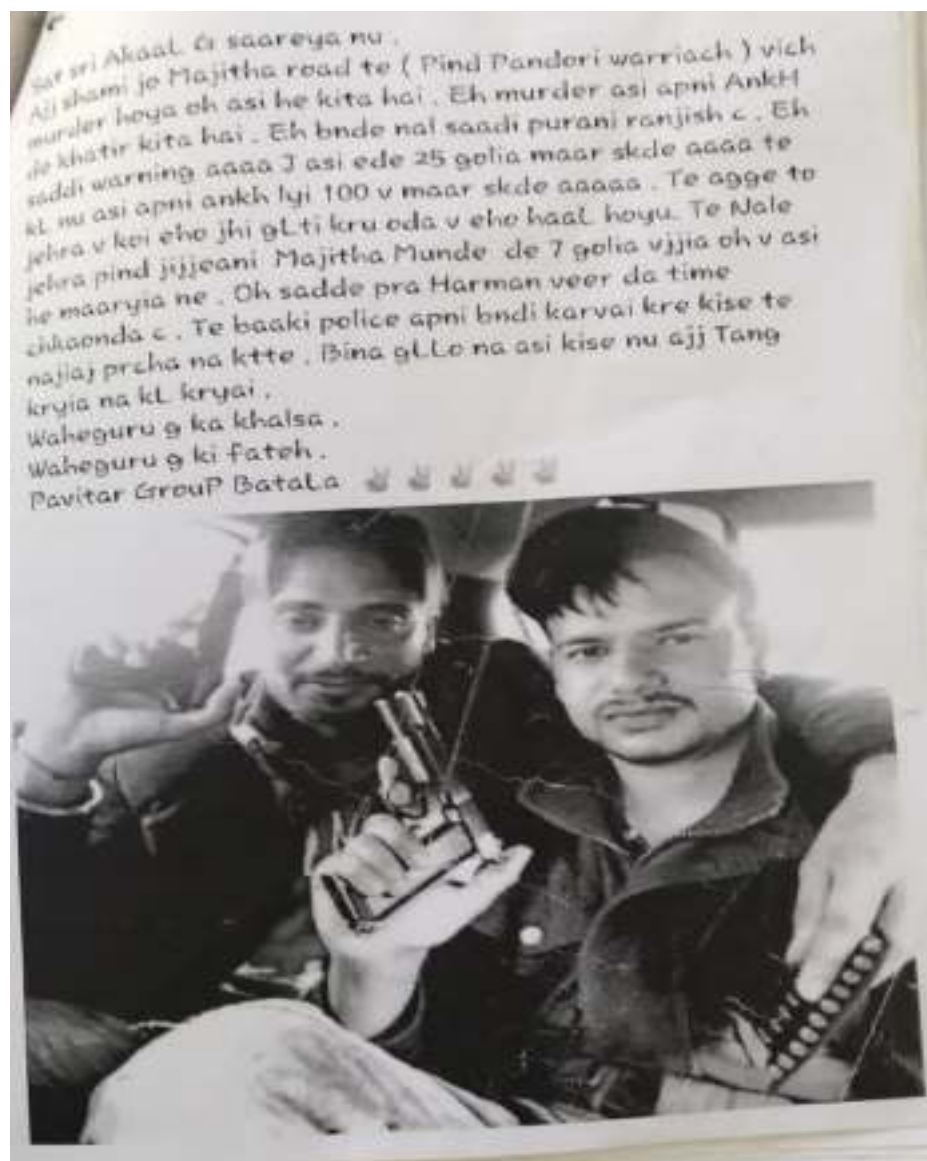
3. Counsels for the petitioners submit that the petitioners are behind bars for more than 3 years. Investigation already stands concluded and thus there can't be any apprehension *qua* the petitioners tampering with the evidence. Thus the petitioners are entitled for bail pending trial and the incarceration cannot be prolonged as punitive measure.

4. As per the case of the prosecution the petitioners have not only admitted their guilt on social media but have also admitted of running a group by the name of Pavitar Group Batala. The petitioners are gangsters and with an intent to intimidate general public have been posting their photographs along with the claim *qua* the present murder on the social media. Thus the petitioners do not deserve to be released

on bail.

5. I have heard counsel for the parties and have carefully gone through records of the case.

6. The post on the social media at the behest of the petitioners is as under :



7. Conduct of the accused persons is definitely one of the prime considerations for grant of bail as per settled law.

8. This Court cannot be oblivious of the fact that the conduct

of the petitioners post-occurrence does not show any remorse. Rather they are using the aforesaid occurrence to claim glory and to intimidate general public. They are flashing their still photographs with arms claiming responsibility of the murder with warning not only to the general public but also to the police. This Court while adjudicating upon the bail petition is required to knit a fine balance between personal liberty of the offender and the other factors including the role of the offender as well as the conduct.

9. Keeping in view the aforesaid conduct of the petitioners this Court does not find that they deserve to be released on bail at this stage.

10. Resultantly, the present petitions are dismissed.

11. A copy of this order be kept on the file of other connected case.

September 21, 2023
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No