

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

106

CRM-M-55411-2023 (O&M)

Date of Decision: 06.11.2023

Sukhwinder Singh (mentioned as Sukhwinder Singh alias Sukha in FIR)

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Vikas Gupta, Advocate
for the petitioner.

Mr. Harpreet Singh, Addl. A.G., Punjab.

KULDEEP TIWARI, J.(ORAL)

1. Instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 146 dated 09.09.2022 under Sections 302, 307, 336, 447, 120-B, 148, 149 IPC and 25 of the Arms Act, 1959 registered at Police Station Mallanwala, District Ferozepur.

2. The relief of anticipatory bail has been sought by the petitioner on the ground that he has neither been named in the FIR nor any role has been attributed to him. It is further submitted that the prosecution is unable to collect any evidence regarding presence of accused on the place of occurrence. There is no recovery or any documentary evidence with the prosecution agency to connect the petitioner with the alleged crime. It is further submitted that except the disclosure statement of Darbara Singh and Dilbag Singh, there is no evidence and such disclosure statement carries no

value in the eyes of law.

3. Learned counsel for the petitioner further placed reliance upon the investigation conducted by the DSP concerned, wherein the enquiry officer found 11 persons innocent, out of 16 persons named in the FIR to built up a defence that the FIR is result of concoction and due deliberations.

4. This Court has examined the FIR and other record, which reveals that it is double murder case, where four persons suffered gunshot injuries and out of four, two succumbed to their injuries whereas two persons were seriously wounded. The dispute arose qua possession over a piece of land. According to allegations in the FIR, the complainant party, who was in possession, were attacked by accused party with deadly arms and had indiscriminately fired upon them.

5. Insofar as the culpability of the petitioner is concerned, it emanates from the petition, that the name of the petitioner surfaced in the statement of one Darbara Singh son of Ajit Singh and Dilbag Singh son of Harbans Singh, who were stated to be present at the spot. Their statements in the above regard were recorded during the course of investigation, which led to the drawing of a Rapat No.21 dated 09.10.2022. There is no wrangle about the fact that since a number of persons attacked the complainant party, therefore, the name of the petitioner could not figure in the First Information Report, however, his name was reflected during investigation in the statement of above stated eye witnesses.

6. Considering the fact that there are serious allegations against the petitioner and besides that he was part of unlawful assembly which committed murder of two persons and two persons were seriously injured due to gunshot injuries, this Court is not inclined to grant extraordinary

relief of anticipatory bail to the petitioner.

7. Finding no merit in the instant petition, same is dismissed accordingly.

8. However, anything observed herein above, would not be considered as an opinion on the merits of the matter. Any observation(s) above is only for the purpose of disposal of the instant anticipatory bail application.

(KULDEEP TIWARI)
JUDGE

06.11.2023
Satyawar

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No