

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

Neutral Citation No. 2023:PHHC:114388
CRM-M-58907 of 2022 (O&M)
Reserved on: August 25, 2023
Date of Decision: August 31, 2023

Manpreet Singh @ Mani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: - Mr. S.S. Sidhu, Advocate for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail in a cross case registered in FIR No.135 dated 22.06.2021 under Sections 307, 201, 511, 160 of IPC, besides Section 25 of the Arms Act, 1959, vide DDR No.71 dated 23.06.2021, G.D. No.65 dated 25.06.2021 under Sections 307, 160, 148, 149, 120-B and 304 of IPC added later on, registered at Police Station City Kotkapura, District Faridkot.

2. As per the allegations, local police of Police Station City Kotkapura, received information on 22.06.2021 about a cross firing having taken place at around 11 a.m. at Jalaleana Road, Rishi Colony, Kotkapura between Ravel Singh travelling in his Innova Car bearing registration No. PB-05W-1893 on one side; and some unknown persons in their car bearing registration No. DL-7CG-1918 on the other side and that one person was lying injured at the spot, having suffered bullet injury. FIR under Sections 307/34 IPC and Sections 25/27 of the Arms

Act was registered and investigation commenced. Spot of the crime was

visited. Empty cartridges of different weapons lying at the spot, besides vehicle and blood smeared earth showing number of rounds fired at the spot, were seized. Intimation was received that one of the injured, namely, Deepak (name as mentioned on the driving licence recovered from pocket of his pant) had been brought dead at Civil Hospital, Kotkapura. Accordingly, Section 302 IPC was added vide DDR No.2, dated 23.06.2021. During inspection of the dead body, 07 live cartridges of 9 mm were seized from the pants of the deceased. Later on, brother of the deceased disclosed the real name of the deceased as Krishan Pal.

3. During the course of investigation, as involvement of Ravel Singh was found in the occurrence, he was apprehended on 23.06.2021 and on interrogation, he suffered disclosure statement, as per which on 22.06.2021 as he was returning in his car from the place of his friend in Rishi Nagar, Kotkapura to Jalaleana Road, when a Corolla car came from the opposite side, besides a motorcycle, upon which Krishan Pal S/o Ram Krishan, Nitesh @ Pardhan were riding. Golu, Bachi, **Manpreet Singh @ Mani (present petitioner)**, besides 3-4 unknown persons emerged from the car and all of them started firing indiscriminately towards him with an intention to kill him. He (Ravel Singh) stopped his car and fired two shots upon them with his .32 bore illegal weapon in defence. He also disclosed that magazine of his weapon had fallen down at the spot. Cross version under Sections 307, 148, 149, 120-B read with Section 25/27 of the Arms Act, 1959 was registered vide DDR No.71 dated 23.06.2021 against Krishan Pal, Nitish @ Pardhan, Golu, Bachi, petitioner Manpreet Singh @ Mani, Gurwinder Pal @ Goru and Goldy Brar, besides 3-4 unknown persons.

4. Further prosecution case is that Corolla car used in the crime was recovered from a deserted area on 24.06.2021. Other accused were also nominated, as per the disclosure statements of the accused. Petitioner Manpreet Singh @ Mani was produced before the Illaqa Magistrate on 23.07.2021, in compliance of the production warrants. It was disclosed by said petitioner that he had been engaged by accused Goldy Brar and that he had started reiki of the place of occurrence before executing the plan to kill Ravel Singh and for that purpose, he was paid ₹25,000/- by Harpeet Singh @ Bhau. In view of the said statement of petitioner Manpreet Singh @ Mani, Harpreet Singh @ Bhau was nominated as accused in the case, who was arrested and who disclosed modus operandi to commit the offence at the instance of Goldy Brar. After completion of investigation, challan under Section 173 Cr.P.C. was submitted in the Court.

5. It is contended by learned counsel on behalf of the petitioner that petitioner has been falsely implicated on the basis of disclosure statement made by Ravel Singh; that Krishan Pal has died due to bullet fired by Golu upon Ravel Singh, as Krishan Pal was ahead of Golu so the bullet accidentally hit him and it is because of this reason that offence under Section 302 IPC was deleted in the cross case and Section 304 IPC was added. Still further, it is contended by learned counsel that there is no eye witness to the occurrence; that initially the FIR was registered on the basis of a secret information about the cross firing, as received by the police; that petitioner is in custody for the last more than 02 years and in all these circumstances, he be allowed bail.

6. Strongly opposing the bail petition, learned State counsel points out that petitioner is an active member of the gang belonging to

Goldy Brar and that it is during the cross firing between the two gangs that one person, namely Krishan Pal had expired. Learned State counsel has also drawn attention towards the police report revealing the criminal antecedents of the petitioner, inasmuch as he is involved in four other cases. Pointing out towards the nature of the crime and the attribution to the petitioner, inasmuch as he had gone to the spot to kill Ravel Singh at the instance of co-accused as a contract killer, prayer is made for rejecting the bail petition.

7. Rebutting the aforesaid contentions, learned counsel for the petitioner submits that petitioner has been convicted only under Section 25 of the Arms Act in case FIR No.10 dated 18.02.2018, under Sections 380, 302, 201 of IPC and Section 27 of the Arms Act, 1959, registered at Police Station Balianwali, District Bathinda, as has been referred in the police report. Learned counsel further contends that the allegations of grave and serious offence and that pendency of other criminal cases against petitioner cannot be a basis to refuse the prayer for bail. He has relied upon “*Prabhakar Tewai v. State of U.P. & Anr.*”, 2020 Cri. L.R. (SC) 472.

8. I have considered submissions of both the sides and have perused the record carefully.

9. No doubt, petitioner is in custody since 25.07.2021, i.e., for the last more than 02 years, but the nature of allegations against the petitioner and the investigation conducted by the police reveals that petitioner is an active member of one of the gangs. Occurrence took place during a gang war in which one person, namely Krishan Pal was killed. As per investigation, petitioner was present at the spot and had gone there

after conducting reiki to kill Ravel Singh. He had taken contract to kill

Ravel Singh as emerged during investigation. His criminal antecedents are also not clean as he is involved in other cases also, as per status report of the police and as also reflected in the custody certificate.

10. Having regard to all the aforesaid facts and circumstances, but without commenting anything on the merits of the case, this Court considers the present case to be not a fit case to grant regular bail. As such, the present petition is dismissed.

August 31, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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