

CRM-M-60795 of 2022

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

CRM-M-60795 of 2022

Date of decision: -19.01.2023

Rajbir Singh alias Rajprit Singh alias Raja

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Vipul Babuta, Advocate, for the petitioner.
Mr. Jashanpreet Singh, DAG, Punjab.
Mr. D.S. Khurana, Advocate, for the complainant.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.0241 dated 05.09.2022 under Sections 302, 336, 34 IPC and Sections 25, 54, 59 of the Arms Act, 1959, registered at Police Station Jandiala, District Amritsar Rural (Punjab).

FIR in the present case was registered on the allegations that on 04.09.2022 Jagdeep Singh took complainant Talwinder Singh and his brother Sukhchain Singh with him to the house of his in-laws at village Nijjarpura where the in-laws family of Jagdeep Singh had organized a party on account of marriage of brother-in-law of Jagdeep Singh. At about 11.00 p.m. while the party was going on, petitioner-Rajbir Singh alias Raja as well as Jagdeep Singh started firing from

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their pistols. Besides them, two other young persons also started firing from their pistols. When Sukhchain Singh-brother of complainant prevented them from firing shots, petitioner-Rajbir Singh alias Raja became infuriated and he fired a shot from his pistol at Sukhchain Singh which hit him on his neck and he fell down on the ground. He was taken to Amandeep Hospital, Amritsar where doctors declared him brought dead.

On issuance of notice of motion, learned State counsel has filed the status report by way of affidavit of Gurmit Singh Sidhu, Deputy Superintendent of Police (Headquarters), Amritsar (Rural), on behalf of the respondent-State, which is taken on record wherein role of the petitioner has been stated as under: -

“That as per version of complainant Talwinder Singh, the petitioner, being armed with a pistol and in furtherance of common intention with co-accused Jagdeep Singh @ Jaggu and 2 unidentified persons also armed with pistols, had fired a direct shot from his pistol towards his brother Sukhchain Singh during a marriage party, with an intention to murder him, which hit him at his neck resulting in his death on the way to hospital. The co-accused Jagdeep Singh @ Jagga had fired shots in the air during that occurrence.”

The opinion of the doctor, who has given cause of death is as under: -

“Opinion: -

Cause of death: -Cause of death in this case is hemorrhage and shock as a result of discharge of firearm, which is sufficient to cause death in ordinary course of nature.

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Ante-mortem/Post Mortem : *Ante-mortem.*

Nature of weapon/Force : *Firearm*

How the Injury would be caused: *Firearm*

Probable time

(a) between injury and death: *Within few minutes.*

(b) between death and postmortem examination: *Within 24 Hrs.”*

Learned counsel for the petitioner contends that it was a case of accidental death and there was no *mala fide* intention on the part of the petitioner. Even in the FIR it has been mentioned that the petitioner allegedly fired a shot from his pistol in a fit of rage.

Per contra, learned State counsel assisted by learned counsel for the complainant submits that custodial interrogation of the petitioner is required for the purpose of fair investigation of the case; for recovery of the pistol used by him to commit the murder of Sukhchain Singh; for identification of two unidentified persons involved in the firing and to take the investigation to its logical conclusion. He further submits that petitioner may tamper with the prosecution evidence by influencing and inducing the prosecution witnesses with the use of unfair means, if he is granted the concession of anticipatory bail.

I have heard learned counsel for the parties and perused the record.

Keeping in view the seriousness of charges, role of the petitioner and opinion of the doctor, custodial interrogation of the petitioner would be required for the purpose of fair investigation of the

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case and to recover the pistol used in the crime and for identification of two unidentified persons involved in the firing.

In these circumstances, petitioner is not entitled for grant of anticipatory bail. Hence, the petition being devoid of any merit is dismissed.

19.01.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No