

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M No.558 of 2024 (O&M)

Amit Chopra
... Petitioner
Versus
State of Punjab
... Respondent

2. CRM-M No.143 of 2024 (O&M)

Rohit Kumar @ Lali Vasika
... Petitioner
Versus
State of Punjab
... Respondent

3. CRM-M No.5159 of 2024 (O&M)

Anil Kumar @ Nikku @ Anil Gill
... Petitioner
Versus
State of Punjab
... Respondent

Date of decision: 20th February, 2024

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Dilpreet S. Gandhi, Advocate for the petitioners
in CRM-M Nos.143 & 5159 of 2024.
Mr. Sidhant Vermani, Advocate for the petitioner
in CRM-M No.558 of 2024.
Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J.

1. The petitioners in all the petitions detailed hereinabove are seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.132 dated 13.11.2026 under Sections 302, 307, 160, 323, 324, 148, 149 of the IPC (Sections 212, 216, 120-B IPC and Sections 25, 27, 54,

59-A of the Arms Act, 1959 added later on) registered at Police Station D-Division, Police Commissionerate, Amritsar. Since all the aforementioned three petitions have arisen out of the same FIR, they are being taken up together for disposal by way of this common order.

2. Learned counsel for the petitioners have asserted that they have been in custody since 14/15.11.2023. They were neither named in the FIR, annexed as Annexure P-1, nor any suspicion whatsoever raised qua their likely involvement in the occurrence in question. Learned counsel have drawn the attention of this Court to the FIR, which is reproduced as under:

“Today, myself INSP/SHO Police Station D-Division, Amritsar City alongwith C-Harjot Singh 1332, C-Sagardeep Singh 482, riding on Government vehicle in connection with patrolling duty and in search of bad persons also carrying laptop, printer were present at Lahori Gate where INSP Surinder Mohan 2160, SI Jagtar Singh 2973, ASI Pal Singh 561, ASI Charan Singh 1939, ASI Sudesh Kumar 2257, HC Dilbag Singh 4165, HC Gurjant Singh 1705, HC Sukhchain Singh 1242 came present. Where on dated 12/13.11.2023 time about 02:00 hrs that one special informer came present before me and gave information that at Katra Dule Gali Chahwali, Amritsar Group No. 1 Rohit @ Kalu s/o Ravinder Kumar, R/o Gali Chah Wali, Katra Dule, Nitin @ Ashu s/o Raj Kamal R/o Gali Chah Wali, Nishu s/o Raj Kamal R/o Gali Chah Wali, Vikas Khanna s/o Banke Lal R/o Gali Fulanwali, Katra Dule Beri Gate, Simranjit Singh @ Semi s/o Pritpal Singh, R/o Golden Gate, Amritsar,

Pramod Kumar @ Ladi and his brother Vicky sons of Nand Lal R/o Lal Quarter, Gillwali Gate, Amritsar, Arjun Ubey s/o Rakesh Kumar R/o Dhab Khatikan, Amritsar, Mukul Bawa R/o Near Ahuja Sweet Shop, Near Chawla Chicken, Amritsar Amit Chopra s/o Mahesi Chahwal, R/o Jhakhal Road, Amritsar, Navneet Singh & Shera s/o Manjit Singh R/o Fateh Singh Colony, Amritsar, Petha R/o Loon Mandi, Amritsar, Bahman Patti, Cheenu and Deepu residents of Amritsar and about 3-4 more unknown persons and persons of group no.2 Shamsher Singh Shera ® Gargaj Singh R/o village Bhaini Gillan, Amritsar, Ramandeep Singh ® Deep s/o Ranjit Singh, R/o Kotla Tarkhana, P.S. Kathu Nangal, Amritsar, Manpreet Singh ® Mannu s/o Jasbir Singh R/o village Bal Kalan P.S. Kamboh, District Amritsar, Arshdeep Singh s/o Jaspal Singh R/o Villalge Pandori Waraich, Amritsar, Hira Singh s/o Swinder Singh R/o Guru Wadali, Amritsar and Arun Kumar s/o Vishwa Mitter R/o village Pandori Warraich P.S. Kamboh-ki, Amritsar and 5-6 unknown persons accompanying them are fighting due to their some old enmity and openly by fighting themselves, they are disturbing peace of general public. They are also carrying dread weapons and during fight, they also fired about 20-25 cartridges and some persons of both the groups also got injured in this fight. On this, myself Inspector alongwith fellow officials reached on the spot at Katra Dule where we saw that dead-body of one unknown person was lying in the street and two persons have been injured and after their verification, we came to know that name of the dead person is Arun Kumar s/o Vishwa Mittar, R/o village

Pandori Warraich, P.S. Kamboj, Amritsar and injured persons are Ramandeep Singh & Deep s/o Ranjit Singh, R/o Kotla Tarkhana P.S. Kathu Nangal, Amritsar and Manpreet Singh @ Mannu s/o Jasbir Singh, R/o village Ball Kalan, P.S. Kamboh District Amritsar. That after completion of map of condition of the dead person Arun Kumar, the dead body was sent for depositing in the mortuary of Civil Hospital, Amritsar, Inspector Surinder Mohan alongwith ASI Charan Singh 1939, HC Gurjan Singh 1705 arranged vehicle. Both the injured persons were admitted in Sri Guru Nanak Dev Hospital, Amritsar by myself Inspector for treatment. That these persons got injured due to bullet firing. No witness was found present on the spot. During the fighting of both the groups, bullets were fired with different dreaded weapons. Due to old enmity of both the groups, this attack was made on each other. That in this fight, Arun Kumar s/o Vishwa Mittar R/o village Pandori Warraich P.S. Kamboj, Amritsar died and Ramandeep Singh ® Deep s/o Ranjit Singh R/o Kotla Tarkhana, P.S. Kathunangal, Amritsar and Manpreet Singh @ Monu s/o Jabir Singh R/o village Ball Kalan, P.S. Kamboh District Amritsar got injured. Nobody is prepared to record statement regarding this incident. Meanwhile offence u/s 302, 307, 160, 323, 324, 148, 149 IPC, 25/27-54-59 Arms Act is made out. That ruqa was written and sent to the police station by hand through HC Dilbag Singh 4165 and after registration of case, FIR No. may be informed. Special reports may be issued and sent to the Area Magistrate and Senior Officers. Information to senior officers may be sent through wireless. Myself Inspector alongwith fellow

*officials got busy on the spot. Sd/- Sarmel Singh INSP
SHO Police Station D-Division, Amritsar City dated
13.11.2023 in the area of Katra Dule, Amritsar, time
01:30 PM.”*

Learned counsel have submitted that a perusal of the FIR clearly reveals that it was a fight which erupted between two groups on 12/13.11.2023 in the middle of the night; the police received information about the clash between these two groups in which both the sides received injuries at the hands of each other. While one person lost his life, two persons received firearm injuries in the occurrence in question. Subsequently, during investigation, one accused Amit suffered a disclosure statement nominating co-accused Bunty who was also allegedly present at the time of the occurrence in question. Upon co-accused Bunty's arrested, he suffered another disclosure statement, wherein he nominated the present petitioners Rohit Kumar @ Lali Vasika, Amit Chopra and Anil Kumar @ Nikku @ Anil Gill and stated that after the occurrence in question, they had provided shelter to the prime accused in a guest house/hotel being run by Anil Kumar @ Nikku @ Anil Gill.

3. Learned counsel have vehemently submitted that the petitioners were neither present anywhere near the place of occurrence nor is it the case of the prosecution that they had instigated the quarrel between the two groups or had provided the accused with the weapon of offence or even had any motive to conspire with the co-accused.

Learned counsel submit that it is evident that the occurrence which took place, was a sudden quarrel between two armed groups and who were in no way connected with the petitioners.

4. Furthermore, it has been urged that in the case at hand, the investigation is complete as the challan also stands presented. However, the trial is not expected to conclude anytime in the near future as charges have yet not been framed.

5. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute the submissions qua the factual aspect of the roles attributed to the petitioners. It has also not been disputed by the learned State counsel that no evidence had come to light that the petitioners were present at the time of the occurrence or had helped the co-accused by providing them with the weapon of crime. Learned State counsel has also conceded that it apparently was a quarrel between two armed groups which took place at the spur of the moment. Learned State counsel, however, has reiterated that after the occurrence in question, one of the accused took shelter in the guest house of petitioner Anil Kumar @ Nikku. Learned State counsel has also not disputed that investigation in the case in hand is complete qua the petitioners. Learned State counsel has, however, brought to the notice of this Court that petitioner Rohit Kumar @ Lali Vasika is involved in another case under Section 420 IPC whereas petitioner Anil Kumar @ Nikku is involved in four cases under the Gambling Act.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. As not disputed by the learned State counsel, the occurrence in question prima facie appears to be a clash between two armed groups, which took place in the middle of the night in a street. The petitioners, as per the learned State counsel also, are not associated with either of the groups which were involved in the occurrence in question, nor were they stated to be present in the vicinity of the occurrence. The petitioners came to be nominated as accused in the second disclosure statement suffered by co-accused Bunty, who stated that after the occurrence in question, one of the accused had taken shelter in the hotel/guest house being run by petitioner Anil Kumar @ Nikku at the instance of the petitioner Rohit.

8. In the facts and circumstances, as enumerated hereinabove, especially the role attributed to the petitioners, their further incarceration in the instant case would serve no useful purpose, as the trial would take considerable time to conclude. This Court thus deems it fit to extend the concession of bail to the petitioners. The petitions as such are allowed and the petitioners are admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to add here, in case the petitioners misuse the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

February 20, 2024
rps

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