

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

226

CRM-M-3014-2024

Date of decision: 25.01.2024

Lakhbir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. P.S. Hundal, Sr. Advocate with
Mr. G.S. Hundal, Advocate
for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab assisted by
ASI Ashok Kumar.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.197 dated 17.11.2021 under Sections 302/307/148/149 of the IPC and Sections 25/27 of the Arms Act, 1959 registered at Police Station City, Patti, District Tarn Taran.

2. On a pointed query put to the learned senior counsel for the petitioner as to what was the material change in circumstances after the withdrawal of the previous petition wherein similar relief had been sought, he has submitted that the trial had been moving at a snail's speed; after the registration of the FIR, the petitioner was arrested on 22.11.2021 and till date the trial had not concluded.

3. Learned senior counsel has further submitted that as per the allegations levelled in the FIR which is reproduced in the body of the petition, it had been alleged by the complainant that it was co-

accused Vinod Kumar @ Gattu who had fired from his pistol in the air as a result of which Jagdeep Singh @ Manna, Gursewak Singh and Anmol Singh @ Maula started running from the spot to save themselves; a pistol fell down from the fold of Jagdeep Singh @ Manna while he was running away and which in turn was picked up by co-accused Vinod Kumar @ Gattu who then fired shots. Learned senior counsel has submitted that however, these allegations were at complete variance with the statement of one of the witnesses Gursahib Singh under Section 161 of the Cr.P.C. wherein he stated that it was the petitioner who had fired at Jagdeep Singh @ Manna and Anmol Singh @ Maula and then they all tried to run away to save their lives. Learned senior counsel has further submitted that a false recovery of a pistol had been planted upon the petitioner, however, the said firearm was the licensed weapon of the petitioner and furthermore, till date there was no report from the FSL to corroborate the factum of the said firearm having been used in the crime in question. Rather both the deceased Jagdeep Singh and Anmol Singh were members of an armed gang comprising of the injured witness also, which is evident from a perusal of FIR No.198 dated 03.07.2020 registered against them, wherein number of firearms had been recovered from their possession, thus, it was a clear cut case of false implication coupled with the fact that there was no motive assigned to the accused including the petitioner to commit the crime in question.

4. Per contra, learned State counsel while opposing the prayer and submissions made by learned senior counsel for the petitioner, on instructions from ASI Ashok Kumar, has argued that the petitioner was

named in the FIR and a perusal of the allegations levelled in the FIR clearly revealed that he had played an active role in the crime in question; the petitioner along with co-accused Vinod Kumar @ Gattu fired shots at both the deceased i.e. Jagdeep Singh and Anmol Singh which proved to be fatal for them. It has been further submitted that the pistol used in the occurrence had been recovered from the petitioner coupled with the fact that the presence of the petitioner at the spot had also not been disputed. Learned State counsel has submitted that mere discrepancies in the statements of the eye witnesses and the complainant which even otherwise were totally inconsequential and immaterial, would not be a ground to entitle the petitioner to the grant of bail as it could not be expected for the eye witnesses in such an occurrence to give an explicit and lucid account of each and every second of the alleged occurrence. Learned State counsel has submitted that all this needed to be appreciated in the light of the fact that even the eye witnesses had tried to run away from the spot to save their own lives. Learned State counsel has still further submitted that in the occurrence in question not only 02 persons were gunned down but as many as 4 persons received injuries; only one prosecution witness had been examined till date, out of the 29 cited and that too partly, hence, there was every likelihood that in case the petitioner, who was an active participant in the occurrence in question, was granted bail, he could tamper with evidence and also try to influence/threaten the prosecution witnesses during trial. Learned State counsel has still further submitted that the contention of the learned senior counsel, of there being no motive on the part of the petitioner to commit the crime in question,

would also be of no consequence keeping in view that it was a case of eye witness account.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. Prima facie, there are serious allegations against the petitioner of having actively participated in the crime in question in which two persons lost their lives and three persons sustained firearm injuries etc. The prosecution evidence is still underway; the stamped witnesses are yet to be examined. Hence, in the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is hereby dismissed.

8. 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.

25.01.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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