

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207/2

CRM M-5135 of 2021
Date of Decision: 02.02.2024

Dinesh Kumar @ Gona ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Manjinder Singh Saini, Advocate, for the petitioner.
Mr. Mohit Chaudhary, AAG, Punjab.
Mr. J.S. Kang, Advocate, for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.0046 dated 02.04.20213 registered under Sections 307, 148, 149 and 120 of IPC and Sections 25/54/59 of Arms Act at Police Station Adampur, District Jalandhar.
2. The FIR in the present case was registered on the basis of the statement made by Mandeep Singh son of Dalwinder Singh and the same has been reproduced as under:-

“Statement of Mandeep Singh son of Dalwinder Singh caste Ramgarhia resident of village Kala Bakra, Police Station Bhogpur, District Jalandhar aged about 23 years, 98154-80970.

Stated that I am resident of above noted address. Today I went to Jalandhar for my personal work on my car make Gen. bearing registration No. PB08-AE-3976 and while coming back from Jalandhar via Dhogari Alawalpur, at

about 4.00 PM, when I reached in front of Ichhadhari Shiv Mandir, village Sikandarpur, a white colour Scorpio car came from back side and the driver of this car had brought the Scorpio parallel to me and gave signal to stop. Dinesh alias Gona, Pardeep Kumar alias Deepu son of Jatinder Sharma residents of Alawalpur and three unknown persons were riding in the said car. They moved down the glasses of car and started abusing me. Pardeep Kumar said to his companions to shoot me and due to fear, I sped away the car. Dinesh Kumar alias Gona had fired on me from back side with the aim to kill me. I reached at Bus stand Alawalpur where Bipandeep alias Sunny son of Sukhvir Singh resident of Alawalpur was already standing. I stopped near to him to save me and saw that these all persons who were coming on my backside in Scorpio Car, ran away towards Adampur Side. Due to fear, we went to the house of Bipandeep. Now I along with Bipandeep came to you and you met us. In this way, the above said persons had fired on me with the aim to kill me. Action be taken.

Attested by Bakhshil Lal SI, SHO, Police Station Adampur

Dated 02.04.2013. Sd/- Bipandeep (English)”.

3. Learned counsel for the petitioner contends that the complainant has got the present FIR registered due to the enmity between the parties and the petitioner has been wrongly involved. Learned counsel further contends that in fact in the year 2014, the petitioner received a gunshot injury over the left lateral region of the neck and due to this, the petitioner is bed ridden. Learned counsel

further contends that the petitioner was arrested in the present case on 20.09.2019 and the final report under Section 173 Cr.P.C., has already been presented against him.

4. On the other hand, learned counsel has vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that apart from the above said case, the petitioner is also facing the prosecution in the following cases:-

(1) FIR No. 166 dated 03.10.2006 under Sections 326, 324, 148 and 149 of IPC, Police Station Adampur, District Jalandhar.

(2) FIR No. 86 dated 16.05.2012 under Sections 25/54/59 of Arms Act, Police Station Adampur, District Jalandhar.

(3.) FIR No. 166 dated 21.09.2019 under Sections 336 and 160 of IPC and Sections 25/27 of Arms Act, Police Station Adampur, District Jalandhar.

(4.) FIR No. 146 dated 31.12.2008 under Sections 323, 341, 324, 148 and 149 of IPC, Police Station Bhogpur, District Jalandhar.

(5) FIR No. 140 dated 27.11.2012 under Sections 302, 323, 324, 307, 148, 149 and 120-B of IPC, Police Station Bhogpur, District Jalandhar.

(6). FIR No. 46 dated 02.04.2013 under Sections 307, 148, 149 IPC and 25/54/59 Arms Act, Police Station Adampur, District Jalandhar.

(7). FIR No. 40 dated 26.02.2014 under Sections 302, 307, 324, 148, 149 and 120-B IPC and 25/27/54/49 of Arms Act, Police Station Basti Bawa Khel, Jalandhar”.

5. Learned State counsel further submits that the petitioner was declared as a proclaimed offender in the present case in the year 2013 and was ordered to be arrested on 20.09.2019. Consequently, the petitioner evaded the process of law for 06 years and, in case, he is granted the concession of anticipatory bail, he may again abscond. Apart from that, the petitioner is part of the gang and is a habitual offender. Apart from the above said 08 cases, there are other criminal cases against the present petitioner as well. Thus, the petition is liable to be dismissed.

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

7. In the present case, the petitioner was declared to be proclaimed offender in the year 2013 and could be arrested after a long period of 06 years. It is also apparent that the petitioner is facing the prosecution in several murder cases as well. Apart from that, serious and specific allegations have been levelled against the present petitioner in the present case as well. Thus, there are reasonable chances that the petitioner might threaten the prosecution witnesses of the present case. Thus, keeping in view the gravity of the allegations levelled against the present petitioner and chances of tampering with the prosecution evidence, the present petitioner does not deserve the concession of bail by this Court and the petition is accordingly ordered to be dismissed.

8. Since, the petitioner is in custody since 20.09.2019, the trial Court is directed to conclude the trial expeditiously, preferably, within a period six months from the next date of hearing fixed before it.

02.02.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No