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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5193-2024
Date of decision: 05.04.2024

Jobanpreet Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Amarjeet Singh Prajapati, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 438 for grant of anticipatory bail in case having FIR No.49 dated 19.08.2023 registered under Sections 307, 336, 427, 148, 149 of IPC and Section 25/27 of Arms Act (Section 302 of IPC added later on vide DDR No.09 dated 31.08.2023) at Police Station Kotli Surat Mallian, Police District Batala, District Gurdaspur.
2. The allegations in nutshell are that police received secret information that two groups entered into fight and are firing shots near village Nabi Nagar and it was found that Gurjeet Singh, Harpreet Singh @ Major, Paramjit Singh @ Pamma, Sucha Singh @ Mangu, present petitioner and Prince along with 15-20 unknown persons on one side and Chanpreet Singh (since deceased) along with 15-20 unknown persons on the other side, all of them armed with different weapons, assembled at the place of

occurrence and at the time of occurrence, Chanpreet Singh suffered injuries and later on died. Even some other persons also sustained injuries at the time of occurrence.

3. The counsel for the petitioner submits that in the FIR, there are no specific allegations against the petitioner, who is falsely named in the present case. It is further submitted that petitioner has nothing to do with murder of Chanpreet Singh. It is further submitted that some of the co-accused who are also facing same allegations are granted bail. It is further submitted that petitioner is ready to join investigation with the police.

4. Short reply by way of affidavit of Riputapan Singh Sandhu, Deputy Superintendent of Police filed on behalf of the State and additional affidavit filed by the said police officer are already taken on record along with Annexures R-1 to R-6.

5. The State counsel submits that petitioner is named as an accused in the FIR and he was present at the spot being member of the group which caused fatal injuries to Chanpreet Singh who belong to the opposite group. It is further submitted that at the time of occurrence, petitioner was armed with *datar* and he gave its blow on head of Chanpreet Singh and the said injury is detailed in medico legal report of Chanpreet Singh dated 18.08.2023 and post mortem report dated 31.08.2023. The counsel for the State further submits that the custodial interrogation of the petitioner is required for proper and effective investigation in this case.

6. I have considered the submissions made by counsel for the parties.

7. In the present case, petitioner is named in the FIR as per which,

fight took place between two groups which resulted in death of Chanpreet Singh who belonged to the opposite party/group. As per the short reply and additional affidavit submitted on behalf of State, petitioner gave *datar* blow on head of Chanpreet Singh. The said injury is also described in medico legal report and post mortem report of the deceased. As per the said two documents one another injury i.e. circular lacerated wound of diameter 1.5 centemeter was found in left lumbar region of the back.

8. Thus, there are allegations that the petitioner actively participated at the time of occurrence and caused injury on head of deceased with help of sharp edged weapon (*datar*). Even recovery of the weapon used by petitioner in commission of crime remains to be effected. This Court is of the view that custodial interrogation of petitioner who is named in the FIR, is required to unearth the truth behind the entire occurrence involving fight between two rival groups.

9. Consequently, the present petition is dismissed. However, any observation made herein above is not to be construed as an expression of opinion on merits of the case.

05.04.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No