



223 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-9262-2024
Date of decision: 18th July, 2024

Peter @ Nindu

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. R.K. Saini, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
1	03.01.2022	Kotli Surat Mallian, District Gurdaspur	302, 307, 379-B, 201, 120-B, 34 and 473 of IPC, 1860 and Sections 25/27 of Arms Act, 1959

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Harminder Singh alleging therein that his wife was Sarpranch of Village Dehar. On the same day i.e. on 03.01.2022, some officials from Mandikaran Board came to his village for survey of the streets. He was accompanying them. They had visited the area near the Church and while returning back, he was called by the present petitioner and co-accused who told him that they would not let the booth of



Congress Party (to which the complainant was affiliated) set in the village and also threatened that the complainant would be able to construct streets only if he would remain alive. Without giving any response, the complainant came back to his house. He alleged that on the same evening, the victim Dilpreet Singh who was grandson of his uncle visited his home along with his wife, mother and one friend namely Saurav. After having tea etc., the complainant along with the victim and his friend Saurav took him outside the house to show the development work done in the village and when they had reached near Bohar, the petitioner and co-accused Lovepreet intercepted them by stopping a Swift car bearing registration No. PB-06-Z-4550. They were armed with pistols. They started hurling abuses. The victim tried to take out his licensed revolver but the petitioner caught hold of him and then the co-accused fired two shots upon the victim. Lovepreet Singh fired another shot thereby injuring the left shoulder of the complainant and the petitioner fired shot thereby causing injury on right thigh of the complainant, he too fell down on the ground.

3. As per the further allegations, on raising rescue alarm by Saurav, the assailants fled away. The injured were rushed to the hospital but the victim Dilpreet had succumbed to the injuries. The complainant prayed for taking action by alleging that due to political rivalry, the petitioner and co-accused had assaulted them and killed his nephew.

4. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 04.08.2023. The investigation has since been completed. The petitioner had moved an application for grant of



regular bail which has been dismissed by the Court of learned Additional Sessions Judge, Gurdaspur vide order dated 23.01.2024.

5. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. There is delay of twelve hours in lodging of the FIR. The injury on the person of the victim which proved fatal was attribute to co-accused Lovepreet Singh and not to him. No injury on the person of the victim had been caused by him. He is in custody since 08.04.2023. Trial is likely to take time. The co-accused Gurnoor Singh has been extended benefit of pre-arrest bail. On the ground of parity, he too deserves to be released on bail. No useful purpose would be served by detaining him in custody. Therefore, it is argued that the petition deserves to be allowed.

6. Status report has been filed by the respondent-State. It is submitted therein and it has been argued by learned State counsel assisted by learned counsel for the complainant that there are serious and specific allegations against the petitioner who is having criminal antecedents, since as many as six cases of similar nature have been lodged against him. As per the allegations, he had caught hold of the victim thereby facilitating the co-accused to fire shots upon him which resulted in his death. He had even fired shots upon the complainant and Saurav thereby causing injuries to them and making attempt to kill them. The case of co-accused Gurnoor Singh cannot be stated to be at parity with the case of the petitioner as allegations against him were only qua supplying arms to the petitioner. Therefore, it is argued that the petition does not deserve to be allowed.



7. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

8. The petitioner by hatching a conspiracy and in furtherance of his common intention with the co-accused is alleged to have opened an assault upon victim Dilpreet Singh, complainant and PW-Saurav on the fateful day and is further alleged to have committed murder of the victim and made attempt to kill the complainant as well as Saurav. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. The allegations against the petitioner are quite grave in nature as he alongwith the co-accused had killed the victim- Dilpreet Singh and made attempt to kill the complainant and Saurav in day light without having any fear. Keeping in view the nature of the allegations, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition does not deserve to be allowed at this stage. Hence, the same is dismissed.

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

18th July, 2024
Parveen Sharma

1. Whether speaking/ reasoned
- :
- Yes / No
2. Whether reportable
- :
- Yes / No