

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.8660 of 2024
Reserved on: 13.08.2024
Pronounced on: 30.08.2024

Thaman Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rajat Dogra, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
60	09.09.2019	Arif Ke, District Ferozepur	302, 307, 201, 336, 148, 149, 182, 195, 120B IPC and 25, 27 of Arms Act, 1959

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC, 1973, seeking anticipatory bail.
2. In paragraph 16 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“3. That brief facts of the case are that complainant got recorded his statement with the police that on 08.09.2019, he alongwith his son Nirvail Singh and Gurjant Singh were going back to their house on car bearing registration No. PB05S-0079 being driven by Nirvail Singh. When they reached at the turn of street abutting their house, then Jaspal Singh s/o Sewa Singh armed with 315 bore rifle, Ranjit Singh son of Sewa Singh armed with pistol, Tejinder Singh s/o Dilbag Singh armed with Dang, Lovepreet Singh s/o Rajinder Singh armed with 12 bore gun, Thaman Singh s/o Bakshish Singh (petitioner) armed with dang, Onkar Singh s/o Lakhwinder Singh armed with rifle, Jagmeet Singh armed with sword and Jaswinder Singh armed with dang were standing. Then all of them rounded up the complainant and other companions and their car. Tejinder Singh



raised Lalkara to teach them lesson for taking possession of panchayat land. Then complainant alighted from the car and requested them not to do so. At around 6/6:15 PM, Jaspal Singh fired a shot from his rifle towards the complainant with the intention to kill him, which hit on stomach and left shoulder of the complainant and complainant fell down on the ground. Then Ranjit Singh started firing shots in air and Onkar Singh also started firing shots in air. Then accused Jaswinder Singh and Jagmeet Singh also started raising lalkaras. In the meantime, complainant become unconscious and his sons got admitted him in Baghi Hospital, Ferozepur. Cross version, on the basis of statement of Jaspal Singh s/o Sewa Singh was registered u/s 452/336/34 IPC and 25/27 Arms Act. During investigation on 10.09.2019, it came into know that Nishan Singh died. Thus vide rapar no.21 dated 10.09.2019. offence u/s 302 IPC added. Postmortem of the deceased was got conducted.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“4. That during investigation of the case, accused Jaspal Singh was arrested by the police on 13.09.2019, accused Jagmeet Singh was arrested on 05.12.2019. After completion of investigation challan against Jaspal Singh was presented before the Ld. Court on 09.12.2019 whereas after completion of investigation supplementary challan against Jagmeet Singh was presented before the Ld. Court on 02.03.2020.

5. That during investigation of the case on moving the application by Sewa Singh son of Jangir Singh before the DIG, Ferozepur Range, Ferozepur, directions were issued to SSP, Fazilka to constitute the Special Investigating Team for conducting the investigation of this case. In compliance of said directions, Special Investigation Team consisting of DSP Abohar, SHO City Jalalabad, SHO Amir Khas was constituted vide order No.1197-PCD-11 dated 29.02.2020 for conducting the investigation of this case.

6. That during investigation it was also found that Nishan Singh died due to the firearm shot by his son Nirvail Singh with his Springfield gun. Whereas during investigation of Jaspal Singh, Ranjit Singh, Tejinder Singh, Lovepreet Singh, Thaman Singh (petitioner), Onkar Singh, Jagmeet Singh and Jaswinder Singh were found to be innocent whereas Nirvail Singh and Gurjant Singh sons of Nishan Singh were found as culprits. It is Pertinent to mention here that in conclusion of investigation report of SIT, DDR No. 28 Dated 10-9-2019 registered on the statement of Jaspal Singh S/o Sewa Singh was also declared false by the SIT.

7. That accused Gurjant Singh was arrested by the police on 15.07.2021. However, said Nirvail Singh expired during investigation. After completion of investigation supplementary challan against Gurjant Singh and by declaring said Jaspal Singh, Ranjit Singh, Tejinder Singh, Lovepreet Singh, Thaman Singh(petitioner), Onkar Singh, Jagmeet Singh and Jaswinder Singh to be innocent, also presented before the Ld. Trial Court on 12.10.2021. Applications for discharging Jaspal Singh and Jagmeet Singh were also moved before the Ld. Trial Court.

8. That vide order dated 11.09.2023 the Ld. Trial Court has ordered to discharge the accused Gurjant Singh from the present case and Ld. Trial Court has also ordered to summon Ranjit Singh son of Sewa Singh, Lovepreet Singh son of Rajinder Singh, Tajinder Singh son of Dilbagh Singh, Onkar Singh son of Lakhwinder Singh, Thaman Singh son of Bakshish Singh (petitioner) to face the trial as accused and Ld. Trial Court has also rejected the application for discharging the Jagmeet Singh and Jaspal Singh. Tejinder Singh and Lovepreet Singh have surrendered themselves before the Ld. Trial Court on 19.03.2024. Now the case is fixed for 13.09.2024 for the presence of accused.”

7. The Investigator absolved the petitioner; given this, it is neither a case for custodial interrogation nor pre-trial incarceration.
8. Given the above, coupled with the primafacie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.
9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	



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11. This order is subject to the petitioner's complying with the following terms.
12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.
13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
14. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.
15. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024*Sonia Puri*

Whether speaking/reasoned: Yes
Whether reportable: No.