

**244 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-10184-2024

Date of decision : 04.03.2024

Gupreet Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. J.S.Thakur, Advocate for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.115 dated 01.06.2023 registered under Sections 307/473 IPC and Sections 25/27 of Arms Act, Sections 353/186/34 IPC and Section 30 of Arms Act added later on at Police Station Sadar Kharar, District Mohali.

2 As per the FIR, it has been alleged as under :-

*“Copy of the ruqa, Police station Sadar Kharar, Jai Hind. Today I DSP Ramandeep Singh along with gunman Ranjit Singh 772/SAS Nagar, C Manjinder Singh 810/FGC, C Satnam Singh 4c/402 were on government vehicle bearing registration No. PB-23-T 2314 mark bolero whose driver is C Gurdeep Singh 478/FGC and DSP Bikramjit Singh Brar GTF operation along with SI Rahul Kumar 3c/705, SI Avtar Singh 3C/677, HC/LR Sukhwidner Singh 4C/511, HC LR Darshan Singh 2C/473, C-2 Gurpreet Singh 1c/540, C Mandeep Singh 1C/556 5C/708 were on government vehicle PB-65- AK 0509 ad on government vehicle PB-AK-7166 make Scorpio along with Inspector Kushwinder Singh 2770/ Patiala, Sub Sukhwinder Singh 2057/Sangrur, Sub Balwinder Kumar 2440/SAS Nagar, C Jagdeep Singh 1C/302 Inspector ***** Singh 2/PRC, SI Gurinderjit Singh 13/101, C*

Sukhwinder Singh 27/806 and DSP Rajan Parwinder Singh AGTF along with gunman C Sabardeep Singh 2212/ SI SAS Nagar, C Ranvir Singh No. 13/610, C Mandeep Singh 417/ IRB, C Sarwan Singh No.5/504 IRB were on government vehicle bearing registration No. PB-65-AK-7174 make Scorpio whose driver is Lakhvir Singh No. 13/836 PAP. SH Sandeep Singh Goyal PPS, AIG AGTF along with SI Gurdeep Singh No. 305/CP, SI Gurjidner Singh No. 4C/699, C Bhupinder Singh No. 4C/811, C Bhushan Kumar No. 27/614 PAP, S.C. Randhir Singh No. 1/IRB/574, C Sunil Kumar No. 13/496 PAP along with government vehicle bearing registration No. PB-03-AA 4950 and PB-65-AR 5312 were present at the office at Sector-77. Then 1, DSP received secret information on dated 29.05.2023, manager Bikramjit Singh along with his associates has committed dacoity at the petrol pump situated at village Bhatt Majra, Fatehgarh Sahib. The car used in the commission of the crime has been affixed with the fake number plate PB-11-AF-4411 and has been hidden near village Machalli Khurd. Today accused are trying to take the car used in the commission of crime. If nakabandi be done then accused can be apprehended along with the car. Then under the direction of the AIG Sahib, different four team was constituted and it was informed to different police stations then about 11:30 PM, first team under the headed of Rajan Parwinder Singh, by waving with the light of the torch signaled to stop the car then on waving the car did not stop. They without any reason, tried to run over the police party with intention to kill and with intention to run, the accused fired at the police party. Upon which the second team ahead, headed by DSP Bikramjit Singh Brar and I, DSP and team headed by AIG Sahib encircled the car from front side and tried to stop their car. Then the accused person stopped the car in the middle and fired at the police party with the intention to kill. AIG sahib with loud voice asked them to surrender and the other force took their position, then accused with the intention to kill continued to fire at the police party. The police party with the help of headlight of car encircled the accused. AIG sahib for the protection of the general public, fired in the air and asked the accused person to surrender but the accused person with having care to the warning, kept on firing. Then I, DSP along with DSP Bikramjit singh Brar and AIG having regards about life of the people and without having care of our life, by taking different position and with the help of the official arms, in order to apprehend the accused, fired at them. During firing, accused fell down and the police party apprehend them on coming forward. On being examining them. One person had received one

injury on one leg, on enquiring he disclosed his name as Gurpreet Singh son of Jarnail Singh resident of Village Johal District Tarn Taran and from one .32 bore pistol was recovered. On unloading the pistol 1 live cartridge were recovered. The other turbaned person disclosed his name as Harpreet Singh son of Milkha Singh resident of Village Shantara Singh District Tarn Taran. From one pistol .32 bore and on unloading 2 live cartridges were recovered and one .32 pistol was recovered lying near the car. Upon checking it was empty. The accused person was not having any license or document of the arms. I, DSP immediately called the ambulance by dialing 108 helpline number and ambulance reached at the spot in sometime. These people were kept under the supervision Inspector Sukhwider Kumar 206/PAP, SI Surjit Singh 310/PAP, SI Amamdeep Singh No.4/IRB/232, SI Rahul Sharma No.4IRB/474 at civil hospital Phase 6 Mohali. The recovered 3 pistol along with 3 live cartridges from the accused were packed and 3 different parcel were prepared and was sealed with my seal RS. After using the seal it was handed over to SI Ranjit Singh No. 72/SAS Nagar. Information be sent to the senior officer from the control room. The above accused, by doing this act has committed offence under section 307,473 IPC and section 25,27 of the arms act. Ruqa is being sent through hand C Thakur Singh 1054/ SAS Nagar.”

3 Learned counsel for the petitioner submits that it is a case of false implication infact the petitioner was apprehended a day prior to the occurrence and implicated in the present case. He further submits that though the petitioner is alleged to have shot from the fire arms on the police party but there is no injury caused to any of the police personnel.

4 The petitioner is behind bars since 29.05.2023 i.e. the date of occurrence. The petitioner has no criminal antecedents apart from FIR No.85 dated 29.05.2023 at PS Sirhind, District Fatehgarh Sahib which is nothing but prologue to the present FIR.

5 Challan already stands presented and the charges stand framed. Almost all the witnesses are police personnel and thus there can not be any apprehension that the petitioner shall tamper with the evidence.

6 Learned State counsel does not dispute the factual assertions based on record. However, submits that there are serious allegations against the petitioner.

7 I have heard learned counsel for the parties and have gone through the records of the case.

8 Keeping in view the incarceration suffered by the petitioner and the fact that the challan stands presented, investigation stands concluded and there is no apprehension that the petitioner shall tamper with the evidence and it is a case of no injury, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

9 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

04.03.2024
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No