

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12699-2024 (O&M)
Date of Decision:18.03.2024

Avtar Singh @ Tara @ Dosanj ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Ms. Sukhpreet Kaur Grewal, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the second petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 127 dated 10.08.2016, registered under Sections 302,364,148,149 of IPC and under Section 25 of Arms Act (Sections 217,216-A, 473,109,120-B of IPC added later on) Police Station Sadar Tarn Taran, District Tarn Taran.

2. The FIR in the present case was registered on the basis of statement made by Gurjit Kaur wife of Dilbagh Singh and the same has been reproduced below:-

“Statement of Gurjit Kaur wife of Dilbagh Singh son of Harjit Singh caste Majbi Sikh, resident of Bahmani Wala Road, Garden, Colony, Patti, Police Station Patti aged about 28 Years. Stated that I am resident of aforementioned address. We are two sisters. My elder sister is Saby, who is married at Chabba. My marriage was solemnized with Dilbagh Singh son of Sh. Harjit Singh Majbi resident of Bahmani Wala Road, Patti around 4-5 Years back. My

husband Dilbagh Singh was married earlier also, who had a daughter aged about 03 Years. A daughter was born to me and Dilbagh Singh. My Husband's sister brother and his parents did not assume her to be auspicious. Due to this reason there use to be tension in the house all the time and my in-law's family had disowned my husband and we after taking along our belongings came to village Joga Singh Wala. My husband often used to fight, since there was no one behind him hence, I have to go court after him. Several criminal type persons used to come to meet him. For doing "parvai" for him several people knew me by face and from name. Few days ago, my husband had come out of jail and ever since he had come home from jail, he was upset and was fearful. I asked him the reason for his being upset then he told me that without any reason people are keeping enmity with him and some people are even threatening to kill him. Even, since my husband had come from Jail, he used to avoid going out too early or coming too late. Around two days ago, my husband was in his house only, when a Fortuner Vehicle came and stopped in front of our house. After that, when I opened the door, Davinder Singh Shooter resident of Babiha Bhal, District Moga, Munni son of Kartar Singh, caste Majbi resident of Madhal Nehar Wall Colony Raiya, Goru Bacha resident of Ludhiana, Bagga resident of Malerkotla and 2-3 unknown persons came inside our house, who were having different types of weapons. Then my husband got nervous at once. They asked my husband to accompany them and they had been whispering to each other. My husband started refusing them. They said that they had work with him. He should not be fearful. I asked them about water/tea to which they refused and said that we have work with Dilbagh Singh and we will take him alongwith us. Seeing so many persons, my husband could not refuse them and after changing clothes, he went along with them. While going, he said to me in nervous voice that I should take care of myself and children. I started crying. Then aforesaid Davinder Singh said

you do not worry... we are not going to eat him. I kept on standing quietly and the aforesaid persons made my husband sit in the center on the back seat and took him along. When I made phone call after 2-3 hours then his phone could not connect. I remained upset. There was no way in my sight because already I do not have relation with my in-law's family. Today a message of my Jeth Harpal Singh was received at about 9-10 that a big cheating had been done with us. Information had been received that some persons had killed Dilbagh Singh by shooting him. On hearing this, I alongwith my Jeth Harpal Singh and father-in-law Haijit Singh arranged for vehicle and reached at the spot. Same incident has happened, which I was suspecting. My husband's dead body was lying in a pool of blood on the Pucca road, Khadur Sahib Road. The incident which my husband was fearing and due to which he was refusing to along with Davinder Singh etc, that had taken place. I am fully sure that those persons who had forcibly made my husband sit in their Fortuner vehicle of color white, and had taken him away, the same persons had killed my husband by firing shots on him. Leaving behind my father-in-law Harju Singh near the dead body, I, along my Jeth Harpal Singh was going to the police station for giving information and you have met. I am the complainant. Action, may be taken. They had killed him at around 12.00 p.m. in the night by shooting with bullets at village Pandori Gola. SD/- Gurjit Kaur, Attested SD/- Yadvinder Singh, SHO, Police Station Sadar, Tarn Taran date 10.08.2016.”

3. Learned counsel for the petitioner contends that as per the allegations levelled by the complainant, 6/7 persons came in a white colour Fortuner car and took away her husband. She further contends that initially the complainant had levelled allegations against four persons and had mentioned that 2/3 unknown persons with them. However, on 15.09.2016, the complainant suffered a supplementary statement and named the petitioner as one of the

accused in the present case. Learned counsel for the petitioner further contends that petitioner has un-necessarily dragged in the instant case, in reality it was a case of gang war between two notorious gangster of Punjab and one of the famous gangster was killed in cross firing. She further contends that 10 co-accused of the petitioner have been granted the concession of bail by this Court and the petitioner is in custody since 19.01.2017. Apart from that, the prosecution has been able to examine 03 witnesses out of total 29 witnesses so far and the custody of the petitioner will not serve any meaningful purpose.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner is a gangster and is involved in several cases in Punjab. He further submits that against the petitioner, the trial are going in the following cases:-

(i) FIR No. 83 dated 09.09.2016 under Sections 307,411,34 of IPC and under Section 25/27/30 of Arms Act, Police Station Phul.

(ii) FIR No. 40 dated 18.05.2016 under Section 379-B of IPC, Police Station Bajakhana.

(iii) FIR No. 31 dated 30.03.2014 under Sections 302,392,34,506,148,149,120-B of IPC, Police Station Jaito.

(iv) FIR No. 68 dated 17.06.2018 under Sections 302,34,120-B of IPC and under Section 25,27 of Arms Act, Police Station Phul.

(v) FIR No. 35 dated 30.05.2023 under Section 21 of NDPS Act and under Section 25 of Arms Act, Police Station Mehal Kalan.

(vi) FIR No. 103 dated 19.12.2013 under Sections 306,120-B,34 of IPC, Police Station Ajitwal.

Learned State counsel further submits that the petitioner has been convicted in

the following cases:-

(i) FIR No. 61 dated 25.09.2012 under Sections 458,506,324,148,323,149 of IPC, Police Station Badhni Kalan.

(ii) FIR No. 50 dated 03.06.2015 under Sections 302,404,341,506,148,149,120-B of IPC,Police Station Mehna.

(iii) FIR No. 117 dated 12.10.2011 under Sections 382,148,149 of IPC and under Sections 25/27/54/59 of Arms Act, Police Station Nihal Singh Wala.

(iv) FIR No. 137 dated 10.10.2011 under Sections 382,341,427,148,149 of IPC, Police Station City South Moga.

(v) FIR No. 294 dated 25.10.2016 under Section 174-Aof IPC, Police Station Ellenabad.

(vi) FIR No. 23 dated 20.02.2016 under Sections 302,307,120-B, 506, 201of IPC and under Section 25/27 of Arms Act, Police Station Sadar Ludhiana.

Apart from that, the petitioner has been acquitted in the following cases:-

(i) FIR No. 34 dated 10.05.2016 under Section 382 of IPC and under Section 25 of Arms Act, Police Station S.G.N Dev TRML Plant.

(ii) FIR No. 88 dated 08.10.2013 under Section 302/34 of IPC and under Sections 25/54/59of Arms Act, 3/4 SC/ST Act Police Station Mehna.

(iii) FIR No. 63 dated 12.06.2011 under Sections 364,325,148,149 of IPC and under Section 25 of Arms Act, Police Station Mehna.

(iv) FIR No. 12 dated 17.01.2016 under Sections 216,302,307 of IPC and under Section 25/27/54/59 of Arms Act, Police Station Ellenabad.

(v) FIR No. 18 dated 07.02.2013 under Section 382/34 of IPC, Police Station Baghapurana.

(vi) FIR No. 66 dated 12.10.2011 under Sections 395,399,307,402,148,149 of

IPC and under Section 25/54/59 of Arms Act, Police Station Badhni Kalan.

(vii) FIR No. 117 dated 29.07.2022 under Sections 384,120-B of IPC and under Section 25 of Arms Act, Police Station Sirhind.

Learned State counsel further submits that the petitioner has been taken on production warrants in the following cases:-

(i)FIR No. 284 dated 04.09.2013 under Sections 332,224 of IPC, Police Station City, Faridkot.

(ii) FIR No. 105 dated 05.05.2012 under Sections 341,323,506,148,149,120-B, 307 of IPC, Police Station City Faridkot.

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

5. No doubt the petitioner is in custody for the last about 02 years and 06 months, but the allegations are very serious against the petitioner in the present case. Still further, the petitioner is apparently a notorious gangster of Punjab and is involved in several other cases. He is facing several prosecution including murder cases. Even there is well found apprehension that in case he is released on bail, he may further involved in other cases.

6. Keeping in view of the gravity of the allegations levelled against the present petitioner as well as his criminal antecedents, the present petition is liable to be dismissed.

7. Since the petitioner is in custody since long, the Trial Court is directed to expedite the trial and to conclude the trial within a period of six months from today.

8. Pending application(s), if any, stand(s), accordingly.

18.03.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No