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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-15320-2024 (O&M)
Date of Decision:- 27.05.2024

SUKHDEV SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. K.S. Bal, Advocate for the petitioner.

Mr. Eklavya Darshi, DAG Punjab.

Mr. Vivek Salathia, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

Status report dated 14.05.2024 already filed in the form of an affidavit of Deputy Superintendent of Police, Sub-Division Jandiala, Amritsar (Rural), is ordered to be taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. Arguments heard.
3. By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
300	17.11.2023	302 IPC; 25 of the Arms Act	Jandiala, District Amritsar Rural



4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case on the basis of alleged disclosure statement of co-accused Harpal Singh @ Palo. He submits that the petitioner has no concern with the alleged occurrence and has been falsely arraigned as accused. He submits that the petitioner is ready to join investigation and has prayed for grant of anticipatory bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the status report submitted by State has contended that the petitioner had played an active role in murder of ASI Sarup Singh. He submits that the pistol used by co-accused Harpal Singh @ Palo in committing murder of ASI Sarup Singh is owned by the petitioner. He contends that custodial interrogation of the petitioner is required and prayed for dismissal of the petition.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the statement of Lovepreet Singh stating that on 16.11.2023 at about 08:00 PM, his father ASI Sarup Singh received a telephone call from some person and hot words were exchanged between them. Thereafter, at about 08:45 PM, his father left the house stating that he has to hand over a police file at police post, but, when his father did not return, the complainant searched for him and found his father lying on the road along with his Aactiva having a bullet injury on his head. During the course of investigation, the Police arrested one Sharanjit Singh @ Sunny, who disclosed committing murder of deceased in connivance with Sucha Singh, Vishal, Karan Singh, Vansh Sahota,



Rahulpreet Singh, Harpal Singh @ Palo and one other person. Thereafter, the police arrested co-accused Rahulpreet Singh and Harpal Singh @ Palo on 19.11.2023 and the pistol used in the crime was recovered from Harpal Singh @ Palo, who further disclosed that he had brought the pistol from his maternal uncle Sukhdev Singh i.e. the petitioner herein. Although it is pointed out by learned counsel for the petitioner that the pistol had been taken away by Harpal Singh @ Palo from the house of the petitioner without his consent, but this by itself is not sufficient to grant clean chit to the petitioner. There is categorical statement of co-accused Harpal Singh @ Palo that he had taken the pistol from the petitioner, which was used in committing murder of ASI Sarup Singh. The matter requires thorough investigation to ascertain the role of the petitioner in the brutal murder of a serving police official, which warrants custodial interrogation of the petitioner.

7. Therefore, considering the nature and gravity of offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequence, the petition is hereby dismissed.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

27.05.2024
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |