

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16159-2024(O&M)
Decided On: 09.04.2024

SARABJIT SINGH ALIAS SAGAR

.....PETITIONER(s)

Versus

STATE OF PUNJAB

.....RESPONDENT(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ramnish Puri, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J.(Oral)

1. This is the petition under Section 439 Cr.P.C., praying for regular bail in case FIR No.308 dated 28.11.2023 under Sections 307, 336 IPC and Section 25 of Arms Act registered at Police Station Jandiala, District Amritsar.
2. Learned counsel for the petitioner *inter alia* contends that vague allegations have been levelled in the FIR in question (Annexure P-1) that some secret information was received qua the petitioner and the other co-accused including his brother, who were allegedly firing indiscriminately from the terrace of their house. Learned counsel has submitted that after the petitioner was arrested on 28.11.2023, the investigation had concluded and even challan presented, hence, further incarceration of the petitioner would serve no useful purpose, more so, when there was no specific attribution qua his role in the occurrence in question.
3. *Per contra*, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner for extending him the concession of bail. It has been submitted that the petitioner was an active

participant in the occurrence in question; it is the petitioner, who fired from the country made pistol towards the injured Deepak, as a result of which, he sustained injuries on his thigh. Learned State counsel has further submitted that charges have not yet been framed and are likely to be framed on the next date of hearing i.e. on 10.04.2024. It has also been submitted that the case of the petitioner is not at par with co-accused Harpreet Singh @ Suraj and Deepak Singh @ Danish, who had since been extended the concession of bail by this Court vide orders dated 22.02.2024 and 18.03.2024, respectively. It has still further been submitted that there is no specific attribution qua both the co-accused, much less of they having inflicted any fire arm injury on the injured Deepak, whereas there is specific attribution qua the petitioner of having inflicted fire arm injury on the person of injured Deepak.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. Before proceeding further, it would be apposite to reproduce the relevant portion of the FIR in question hereinbelow: -

*“That secret informer informed me that in Ward No.01 Town Jandiala, Kanwaljit Singh alias Kasu son of Lat Singh resident of Nathuana Gate Jandiala, **Sarabjit Singh alias Sagar** son of Avtar Singh resident of Nathuana Gate Jandiala and Deepak Singh alias Danish son of Gabbar Singh resident of Nathuana Gate Jandiala Guru. Kanwaljit Singh alias Kasu said and Sarabjit Singh alias Sagar were real brothers, who were having illegal pistol and who by firing on the roof of their house have created terror among the people nearby. That while firing in the air, Deepak Singh alias Danish was hit by the bullet, who was taken to Amritsar Hospital. Because of firing in the air on the roof of their house, an atmosphere of terror has been created in the area. Due to the concrete nature of the information, the said persons have created an atmosphere of*

terror by firing and have created a threat to the lives of the people living in the vicinity.”

5. *Prima facie*, it is evident that the petitioner without any provocation fired indiscriminately as a result of which the injured Deepak sustained fire arm injury on his thigh. The petitioner cannot claim parity with the co-accused, since other than their presence, they have not been attributed any specific injury on the person of the injured Deepak. It is an unprovoked attack, which was launched by the petitioner, who on account of his acts *prima facie* created an atmosphere of terror in the neighborhood.

6. In the facts and circumstances as enumerated hereinabove coupled with the allegations levelled against the petitioner, this Court does not deem it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition stands dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

09.04.2024

Aman Dua

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No