



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

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CRM-M-19053-2024 (O&M)

Date of decision: 08.07.2024

KAWALJIT SINGH ALIAS KASSU

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE MANJARI NEHRU KAUL

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

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of regular bail by way of present petition filed under Section 439 Cr.P.C. in case bearing FIR No.308 dated 28.11.2023 registered for the offences punishable under Sections 307 & 336 of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 at Police Station Jandiala, District Amritsar.

2. Learned counsel for the petitioner submits that false allegations have been levelled against the petitioner which were based on a secret information that he along with the co-accused i.e. his brother Sarabjit Singh alias Sagar had fired indiscriminately from the terrace of their house as a result of which one Deepak Kumar sustained firearm injuries. Learned counsel has submitted that the petitioner has now been in custody since 28.11.2023, however, charges have not yet been framed. Hence, there is no

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possibility of the trial concluding in the near future. It has also been submitted that further incarceration of the petitioner would serve no useful purpose as there can be no apprehension of the petitioner tampering with the evidence. Learned counsel has further submitted that two co-accused, namely, Deepak Singh @ Danish and Harpreet Singh @ Suraj had since been extended the concession of bail by this Court vide orders dated 22.02.2024 and 18.03.2024 respectively.

Per contra, learned State counsel, while opposing the prayer and submissions made by counsel opposite has submitted that the petitioner cannot seek parity with the co-accused namely Deepak Singh @ Danish and Harpreet Singh @ Suraj who have been enlarged on bail by this Court. Learned State counsel, on instructions from ASI Chanchal Singh, has submitted that the petitioner and co-accused-Sarabjit Singh alias Sagar were active participants in the occurrence in question; both of them have not only been specifically named in the FIR but at the time of the alleged occurrence were armed with firearms. The petitioner had fired from the country-made pistol towards injured Deepak as a result of which he sustained injuries on his thigh. Learned State counsel has also submitted that co-accused Sarabjit Singh @ Sagar had earlier approached this Court for grant of bail by way of CRM-M-16159-2024 which had however been dismissed vide order dated 09.04.2024. It has also been submitted by the learned State counsel that in case the petitioner is extended the concession of bail, there is every likelihood that the petitioner could intimidate the



witnesses or even abscond during trial. A prayer has, therefore, been made for dismissal of the instant petition.

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

Before proceeding further, it would be apposite to reproduce the relevant portion of the FIR in question here-in-below:-

“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 one person, namely, Deepak sustained fire-arm injuries on his thigh. No doubt, two of the co-accused Deepak Singh @ Danish and Harpreet Singh @ Suraj have been extended the concession of bail, however, the petitioner's case is clearly distinguishable from the case of both of them as they had not been attributed any specific injury in the occurrence in question.



6. In the facts and circumstances as enumerated hereinabove, coupled with the specific allegations levelled against the petitioner, he does not deserve the concession of bail. 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.

(MANJARI NEHRU KAUL)
JUDGE

July 08, 2024
poonam

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