



[211] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19885-2024 (O&M)
Date of Decision : 06.08.2024

Ranjit Singh ...Petitioner
versus
State of PunjabRespondent

Coram : **HON’BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. L.M. Gulati, Advocate for the petitioner.
Mr. Solomon Partap Singh, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

[1] Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.009 dated 08.01.2023 registered under Sections 302, 34, 120-B of the IPC and Sections 25, 54 & 59 of the Arms Act, 1959, at Police Station Sadar Kharar, District S.A.S. Nagar, Mohali.

[2] Custody certificate dated 05.08.2024 of the petitioner has been produced in Court today. The same is taken on record. As per the same, the petitioner by now has undergone an actual custody of 01 year, 06 months and 13 days.

[3] FIR came into being on statement made by Khushwant Rai, who informed the police as under:-

“Statement of Khushwant Rai son of Late Tarsem Singh Rai resident of House of No.1129, Satte Majra Colony, Police Station City Kharar, District Sahibzada Ajit Singh Nagar aged about 25 years. Mobile No. 8360317896. Stated that I am resident of above said address and I am working as



Supervisor at Municipal Council, Kharar. My father are three brother. My father was died in the year 2013. I have one uncle Tej Ram is residing in village Dhamia Kalan. My uncle Nirmal Singh was died in the year 2021. He has three daughters namely Priyanka, who is married with Khushpreet Singh son of Paramjit Singh resident of Dumanda, District Jalandhar. Nisha, who is married with Harjinder Singh son of Puran Chand resident of Khojgipur District Jalandhar and Mona is married with Harpreet Singh son of Pal Chand residents of Village Chaheru, District Jalandhar. One son Kamesh Kumar, who is unmarried. He is residing with his mother Tripta Rani in Sukh Enclave, Village Aujla. Yesterday on dated 07.01.2023, I along with Kamesh Kumar son of my uncle has gone on his car No.PB32L6127 Make Swift, Colour black to village Desu Majra to get food. The son of my uncle Kamesh Kumar was driving the car. I was sitting on the seat adjacent to him. We have booked food on a Avadh Hotel and had parked the car on the vacant place on the slip road and we were sitting in the car. It will be 11 PM in the night that three young men came behind from our car and one young men asked from me that whether you are residing local or have come from outside. I said that we are local. Then that young men went back and they all three had talked with each other. After 2/3 minutes, one young man came near Kamesh Kumar at the driver side and fired 3/4 rounds from weapon which was caught in his hand. One fire was hit at the mouth of Kamesh Kumar, second was at head and third was hit at his right shoulder. It was bleeding from his head and shoulder. Kamesh Kumar fell down on the front seat. I was taking care of Kamesh Kumar. In the meantime, all the unidentified persons have ran away from the spot. I had put



Kamesh Kumar on the back seat of the car and brought him in an injured state at Civil Hospital Phase-6, Mohali. Because, his health was serious, therefore, the doctors had referred him at PGI Chandigarh. He is getting treatment at PGI Chandigarh. Legal action may kindly be taken against the unknown persons.xxx”

[4] After 08 days of registration of FIR, statement of Tripta Rani mother of the deceased was recorded, who claimed as under:-

“xx xx xx

On dated 16.01.2023, Smt. Tripta Rani mother of Late Nirmal Singh resident of Sukh Enclave, Village Aujla came present in the Police Station and recorded her statement before S.I Bhagatvir Singh Station House Officer. The details thereof are that I am resident of above said address. I am doing domestic works. My husband Nirmal Singh has been retired from Punjab School Education Board. I have three daughters and one son. All the three daughters are married. The eldest daughter Mona is married with Harpreet Singh son of Pal Chand residents of Village Chaheru, Tehsil Phagwara District Kapurthala. Younger to her is Nisha Rai wife of Harjinder Singh resident of Khojgipur District Jalandhar. Younger to her is Priyanka Rai, who is married with Khushpreet Singh son of Paramjit Singh resident of Dumanda, District Jalandhar. The youngest was my son Kamesh Kumar aged about 28 years. On the mid night of 07-08.01.2023, some unknown persons had committed attack on my son Kamesh Kumar neaer Avadh Hotel, Desu Majra and had caused him gun shot injury. My daughter Nisha Rai is residing with her husband Harjinder Singh as well as her children, elder daughter Nimrat Kaur and son Rivansh in



Italy. The marriage of my daughter Nisha Rai was solemnized in the year 2009. After 3 years of the marriage, in the year 2012, my son in law Harjinder Singh had taken daughter Nisha to Italy. My daughter Nisha Rai often used to hold talk with me through whatsapp. Harwinder Singh brother in law (Jeth) of my daughter Nisha has been retired from Army. When my daughter used to reside at her in laws house, she told me that Ranjit Singh friend of her Jeth Harjinder Singh was also serving in the Army with him. They were good friends of each other. Ranjit Singh was also very well known to her devar Jatinder Singh @ Soni. When Ranjit Singh used to visit her house, he was often accompanied with his friends Naveen Kumar resident of Begpur Kamlkoh and Manjit Singh resident of Village Kharak Badla. Ranjit Singh used to carry revolver in her waist. Quarrel was started between my daughter Nisha Rai and son in law Harjinder Singh from the year 2015. My son in law Harjinder Singh, his elder brother Harwinder Singh and younger brother Jatinder Singh Soni had started causing harassment to my daughter Nisha Rai. They used to say that you have proud on your brother, they will teach lesson to him. They used to give beatings to my daughter Nisha Rat. In this regard, cases were registered against them before the police of Italy. They used to put pressure on us to close these cases and given threats that they will cause loss to our family. My daughter had informed me 4/5 days prior to the gun shot injury suffered by my son Kamesh Kumar that her husband Harjinder Singh has said that you are filing cases against them and causing harassment. Therefore, they will take revenge for the same. He said that the walls of your house shall demolish and there will be pegion. There will not be anybody to look after. Today



my daughter Nisha Rai informed me that her husband Harjinder Singh had come to house after 2/3 days of the gun shot injuries suffered by my son Kamesh Kumar. He has said that you were causing harassment to us. Therefore, we have got revenge by causing gun shot injuries to your brother Kamesh Kumar through their friends Ranjit Singh resident of Village Dalowal, Hoshiarpur and Naveen Kumar Sharma resident of Begpur Kamloh as well as Manjit Singh resident of Kharak Badla. My son Kamesh Kumar has been shot dead by my son in law Harjinder Singh, his elder brother Harwinder Singh and younger brother Jatinder Singh @ Soni through his friends Ranjit Singh resident of Village Dalowal, Hoshiarpur and Naveen Kumar Sharma resident of Begpur Kamloh as well as Manjit Singh resident of Kharak Badla.”xxx

[5] Counsel for the petitioner submits that the petitioner was not named initially in the FIR but his name as well as role is being claimed on the basis of statement suffered by Tripta Rani. As per Tripta Rani, it was the petitioner, who fired on the deceased. She further submits that after the petitioner was arrested, pistol stands recovered from him but the same as per the ballistic report has not matched the bullet recovered from the body of the deceased. She further submits that co-accused, namely Naveen Kumar Sharma as well as Manjit Singh @ Billa already stand admitted to bail vide order dated 22.02.2024 passed in CRM-M-62283-2023 and CRM-M-2605-2024.

[6] Counsel for the petitioner submits that challan stands presented



submits that the petitioner is behind bars for more than 01 year, 06 months and 13 days and has no criminal antecedents. Out of 25 cited witnesses, none could be examined, till now.

[7] State counsel is not in a position to dispute the aforesaid factual assertions made by counsel for the petitioner on the basis of the record.

[8] Fact with respect to the clean antecedents of the petitioner is evident from the custody certificate.

[9] Keeping in view the nature of evidence against him and the incarceration suffered by him, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

[10] Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

[11] Since the main petition has been decided, pending miscellaneous applications, if any, shall also stand(s) disposed off.

(PANKAJ JAIN)
JUDGE

06.08.2024
'R. Sharma'

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