



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

CRM-M-24646-2024

Date of Decision : 16.10.2024

LABH SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Monika Tanwar, Advocate for
Mr. Ramnish Puri, Advocate,
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Sahil Nain, Advocate,
for respondent no.2-complainant.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition filed under Section 438 of the IPC, prayer is made for grant of 'anticipatory bail' to the petitioner in case FIR no.26, dated 25.02.2024 (Annexure P-1), under Sections 307, 323, 506, 148 and 149 of the IPC, and under Sections 25/27 of the Arms Act, 1959, registered at Police Station Cantonment, District Amritsar.

2. Earlier a co-ordinate bench of this Court, extended the relief of interim anticipatory bail to the present petitioner, vide order dated 16.05.2024, on the submission made by learned counsel for the petitioner that the petitioner has no role in the instant occurrence, rather the entire

allegation is against one Inderjeet Singh, who happens to be a close relative of an MLA.

3. For better appreciation of the facts of the present case, the relevant contents of the FIR reads as under:-

“Statement of Om Prakash s/o Sadhu Ram resident of House no. 1583/13 in front of Swadeshi Mill Gawal Mandi, Ram Tirath Road Amritsar aged about 65 years 8054142194. It is stated that I am resident of above stated address and I have car washing service station outside my house where me and my son Sajan Bhatti aged about 30 years work together. Today at time about 1.30 PM me and my son working on the service station then Inderjit Singh who called himself as brother-in-law of the M.L.A Jasbir Singh Constituency West. Along with him our neighbour Sarvan Ghuda and his chacha's son Sunny Bunt and 5-6 unknown persons entered in my service station, who were having baseball and other weapons. On entering Inderjit Singh Raised the lalkara "catch him, he parked cars in front of our office" then those persons started beating us and he dragged my son to other side of the road. Then Inderjit Singh fired on my son with the pistol which hit on his pelvic region. We made hue and cry "Maar dita Maar dita" on which those people threatened to kill us and escaped from there along with their weapons. Those persons beat me and my son at the instance of Puneet Madaan (Sant Boot House) Putlighar and with intention of killing my son Inderjit fired on my son Sajan. I have taken my injured son and for treatment has got him admitted in Amandeep Hospital, who is under treatment. Few days back, there was an altercation regarding parking of cars with him. In this regard we had contacted M.L.A Jasbir Singh who put off the matter 3-4 times. During this, my wife Satya also came there and those persons also beat my wife. Strict legal action should be taken against them. Statement recorded to you, read and heard, it is correct. SD/- Om Prakash verified by Gurbaksh Singh SI police station Cantonment dated 25.02.2024. Police Action:-Today I ASI present at Police Station got intimation via telephone from the Amandeep Hospital that Sajan Bhatti son of Om Prakash resident of House no. 1583/13 in front of indigenous Mill Gawal Mandi, Ram Tirath Road Amritsar got injured due to being hit by bullet and his admitted for treatment. For the investigation we reached at Amandeep Hospital. On this intimation I ASI along with SI Arjan Singh 3169, ASI Sham Sundar 2430, HC Parwinder Singh 2025, CT Jaideep Singh 3643 reached at Amandeep Hospital where Om Parkash son of Sadhu Ram resident of House no. 1583/13 in front of indigenous Mill Gawal Mandi, Ram Tirath Road Amritsar was present there and got his statement recorded by 1 SI. His statement was read out, he listen his statement and believe it to be true and signed in Hindi below his statement which was verified by me. From the perusal of statement the complainant offences under section 307,323,506,148,149 IPC and 27-54-59 A ACT was made out. For the registration of the F.I.R the original complaint is being sent through the hands of CT Jaideep Singh 3643 to the Police Station. After the registration of the FIR the FIR number will be issued. Special report is to be made and send to the Higher Officers. Head Officer Police Station and control room should be intimated. I SI along with fellow employee were present on the spot for investigation....”

4. The State had filed a short reply, dated 23.07.2024, by way of an affidavit of Sh.Sukhpal Singh, ACP, West, Amritsar City, refuting therein, the submissions made by learned counsel for the petitioner, and it was specifically submitted that in fact the present petitioner is also known as Inderjeet Singh, and he was the person who fired a gunshot. It further reveals that there are specific allegations against the present petitioner, that he fired a gunshot, which hit the pelvic region of the injured/victim.

5. Considering the fact that a specific affidavit is required, whether, the petitioner is also known as Inderjeet Singh, the State was directed by this Court vide order dated 11.09.2024, to file a specific affidavit, detailing therein, the circumstance, which led the investigating agency to reach a conclusion that the present petitioner-Labh Singh, is none else but a person who has been named in the instant FIR, as Inderjeet Singh.

6. In deference to the directions (*supra*) issued by this Court a reply, dated 01.10.2024, has been filed by the State, which is ordered to be taken on record. A perusal of the reply (*supra*), reveals about the investigation conducted, which established that the present petitioner, as per the prosecution, is in fact Inderjeet Singh, who has been named in the instant FIR. The relevant extract thereof reads as under:-

“5. That it is submitted that during the course of investigation of the present case FIR No. 26 dated 25.02.2024 (*supra*), verification has been conducted with regard to actual name of the accused Inderjit Singh as the complainant Om Parkash and injured Sajan Bhatti have claimed that the accused Inderjit Singh and present petitioner Labh Singh is one and same person, during which a common statement (majornama) of residents of the locality Gawal Mandi, Putlighar, Amritsar and a certificate has been obtained from Ms. Neetu Tangri, Councillor Ward No. 53, Municipal Corporation, Amritsar have been obtained wherein they all have verified that Inderjit Singh and Labh Singh is one and same person who had committed crime in the present case FIR No. 26 dated 25.02.2024 (*supra*) and Labh

Singh @ Inderjit Singh (present petitioner) had fired gunshot at the injured Sajan Bhatti. The 'Majornama' and certificate of the Councillor are annexed herewith as Annexure R-3/T and R-4 for kind consideration of this Hon'ble Court.

6. That it is submitted that during the course of investigation of the present case FIR No. 26 dated 25.02.2024 (supra), the co-accused Sunny Bhatti, Jagtar Singh @Avtar Singh @ Kaku, Pavneet Madaan @ Puneet Madaan, Jaspal Singh @ Happy, Vijay Kumar @ Monu and Sarwan Singh @ Ghuda have so far been arrested. The weapon of offence i.e. licensed pistol of Jaspal Singh @ Happy used in commission of crime by the present petitioner and car Vagonar used in commission of crime, have been recovered from Jaspal Singh @ Happy and Vijay Kumar @ Monu. These all the co-accused persons have have disclosed that it is the present petitioner Labh Singh (@ Inderjit Singh @ Lovely) who fired shot at the injured Sajan Bhatti with an intention to kill him.”

7. Learned counsel for respondent no.2 submits that on earlier occasion, as well an altercation had taken place between the petitioner and respondent no.2, and the said incident was captured in a CCTV footage, wherein, the petitioner-Labh Singh is clearly visible and this incident is the root cause behind the commission of instant crime, which resulted in registration of the FIR (*supra*).

8. This Court has considered the rival submissions made by both the parties concerned, and perused the entire case file, and is of the view of that the present petitioner does not deserve to be granted extraordinary relief of anticipatory bail.

11. As per the reply, dated 23.07.2024, the victim has suffered following injuries:-

Sr. No.	Injury Details	Injury Number
1.	A bandage seen on sacral region. On removing the 1 bandage, a healed scar mark measuring 1.2 x 1.2 cm on sacral region, slightly on left from midline. Advice ortho opinion and surgical opinion.	1
2	A bandage seen on pubic region in midline. On 2 removing it, on open wound measuring 2x1x1.5 cm is seen in the midline of abdomen, 12 cm below umbilicus. Advice surgical opinion and ultrasound abdomen opinion.	2
3	Complaint of pain in left side of back sacral 3 region. Advice ortho opinion.	3
4	Complaint of pain in both legs, swelling present 4 on both legs. Advice ortho opinion.	4

Nature of injuries (simple, grievous, dangerous or pending for observation.
Injury no. 1,3,4 under ortho opinion, injury no. 1,2 to be given after surgical opinion, ballistic expert opinion, injury no. 2 under USG opinion.
Probable duration of injury
Within one month
Kind of weapon used (sharp, blunt, firearm, fire, position etc).
To be given as per ballistic expert, I.O.Hospital record.”

12. During further medical examination, the victim is found to have suffered fractures on the S2 vertebrae on left side, therefore, injury no.1 was subsequently declared to be grievous in nature.

13. Consequently, considering the specific role attributed to the present petitioner, and the injuries suffered by the victim being grievous, this Court does not find any merit in the instant petition, therefore the same is, hereby, **dismissed**.

14. All pending application(s) stand **disposed** of accordingly.

October 16, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No