

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

I. CRM-M-31558-2023
2024:PHHC:062434
MANJINDER SINGH @ KALA SEKHON
. . . . Petitioner

Vs.

STATE OF PUNJAB
. . . . Respondent

II. CRM-M-16001-2023
2024:PHHC: 062648
GURINDERPAL SINGH @ GORA BHAU
. . . . Petitioners

Vs.

STATE OF PUNJAB
. . . . Respondent

Reserved on: 03.05.2024
Pronounced on : 06.05.2024

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. R.S. Sangha, Advocate,
for the petitioner (in CRM-M-31558-2023).

Mr. Amaninder Preet, Advocate,
for the petitioner (in CRM-M-16001-2023)

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J.

In the two petitions tilted above, both filed under Section 439 CrPC, petitioners pray for their release on regular bail in cross case bearing DDR N:71 dated 23.06.2021 registered under Sections 307/ 160/ 148/ 149/ 120-B IPC and Sections 25/27 of Arms Act at Police Station City Kotkapura, in FIR No.135 dated 22.06.2021 registered under Sections 307/ 201/511/160 IPC and Sections 25/27 of Arms Act at Police Station City Kotkapura.

2. Separate status reports in both the cases have been filed.

3.1 As per the prosecution version, on 22.06.2021, local police of Police Station City Kotkapura received information about a cross firing having taken place at about 11:00 AM at Jalaleana Road, Rishi Nagar, Kotkapura between Ravel Singh @ Ravila travelling in his Innova Car No.PB-05W-1893 on one side; and unknown persons who had come in their car No.DL-7CG-1918 from the other said and that one person was lying injured at the spot having suffered bullet injury. On the basis of this information, FIR No.135 (supra) was registered against unknown persons. Spot was inspected. Empty cartridges of different weapons, vehicles, blood smeared earth showing number of rounds, were seized. On the basis of the driving license recovered from the pocket of the pants of the injured person, his name was found to be Deepak Kumar, who was brought dead at Civil Hospital Kotkapura and so, the case was converted to Sector 302 IPC. During inspection of the dead body, 7 live cartridges of 9 mm were recovered from the pants of the deceased.

3.2 On 23.06.2021, Yashpal Singh son of Ram Kishan approached the police and identified the dead body to be of Krishan . son of Ram Kishan. Autopsy was conducted. During further investigation, Ravel Singh @ Ravila was apprehended on 23.06.2021, who in his statement disclosed that on 22.06.2021, as he was coming after meeting his friend, a Corolla car came from the opposite side besides a motorcycle, which were occupied by Krishan Pal (deceased) son of Ram Kishan, Nitish @ Pardhan, Golu, Bachi, Manpreet Singh and 3-4 unknown persons, all of whom started firing indiscriminately towards him with an intention to kill him. He (Ravel Singh @ Ravila) stopped his car and fired two shots upon the assailants with his .32 bore illegal pistol in his defence. He also stated that Krishan Pal was coming towards him very fast and opened the door of his car and then ran towards the backside to save him,

but the assailants even fired at their own companion i.e. Kishan Pal. He also stated that while running, magazine of his illegal weapon had fallen down, and that he had fled from the spot. On the basis of this version of Ravel Singh @ Ravila, cross case vide DDR No.71 (supra) was registered against Krishan Pal (deceased) son of Ram Kishan, Nitish @ Pardhan, Golu, Bachi, Manpreet Singh, Gurinderpal Singh @ Gora Bhau and Goldy Brar.

3.3 During further investigation, names of Sukhwinder Singh @ Tang @ Sunny, Harpreet Singh @ Bhau and Manjinder Singh @ Kala Sekhon, also emerged. All of them were apprehended from time to time.

4.1 On behalf of *Manjinder Singh @ Kala Sekhon (petitioner in CRM-M-31558-2023)*, it is contended that he has been implicated on the basis of disclosure statement of co-accused Manpreet Singh @ Manna, as per which said Manpreet Singh @ Manna had handed over two 9 MM pistols to him (petitioner). Ld. counsel contends that Manpreet Singh @ Manna has been arrayed as an accused on the allegation that he had arranged Corolla car for the assailants and that said Manpreet Singh @ Manna, so as to falsely implicate the petitioner, has suffered disclosure statement with a concocted story to have supplied pistols to the petitioner.

4.2 Ld. counsel contends further that petitioner was not present at the scene of incident; that no specific overt act is attributed to him; that he was arrested on 20.01.2022 on the basis of production warrant though he was already in custody in different case since 29.06.2021; that there is no legally admissible incriminating material against him; that after the completion of investigation, report qua him has already been filed; that co-accused Navjot Singh has already been allowed bail by this Court vide order dated 24.04.2023;

that there are 48 witnesses cited by the prosecution and so, trial is likely to take long time to conclude.

4.3 Petitioner has also given details of 8 cases, in which he is involved, out of which he is on bail in four of the cases and have been convicted in four other cases. He submits that in one of the cases, he has been convicted under Section 42 of the Prisons Act, in which he has already completed his sentence; whereas, in three other cases, in which he has been convicted, his sentence has been suspended and his appeals are pending.

4.4 Ld. counsel contends further that pendency of the other criminal cases cannot be a ground to deny bail. Ld. counsel has referred to judgments of Hon'ble Supreme Court rendered in *Prabhakar Tewari Vs. state of UP* (2020) 11 SCC 648 and *Maulana Mohd. Amir Rashadi Vs. State of UT*, (2012) 3 SCC 382 and judgments of this High Court rendered in *CRM-M-16587-2022* titled as *Vipul Vs. State of Haryana* decided on 27.04.2022 and *CRM-M-1203-2014* titled as *Ramesh Vs. State of Haryana* decided on 14.03.2014.

5.1 On behalf of *Gurinderpal Singh @ Gora Bhau (petitioner in CRM-M-16001-2023)*, it is contended by ld. counsel that petitioner was not present at the spot; that no overt act is attributed to him; that he has been nominated on the statement of Ravel Singh @ Ravila and then he was brought on production warrants. Ld. counsel contends further that the only role attributed to the petitioner is that he and Goldy Brar had threatened Ravel Singh @ Ravila to refrain from running gambling business.

5.2 The petitioner has also given details of 12 cases, in which he is involved and submits that in most of the cases, he was not named in the FIR nor

any recovery was effected from him. Contenting that trial may take time to conclude, prayer is made for grant of regular bail.

6. Apart from above, counsel for the petitioners have also placed on record copy of the statement of PW2-Ravel Singh @ Ravila, made during trial, in which though he proved the incident, but failed to establish identity of any of the accused. He specifically denied to have told the police that Gurinderpal Singh @ Gora Bhau (*petitioner in CRM-M-16001-2023*) or Goldy Brar had conspired with the other accused or had arranged to kill him (Ravel Singh @ Ravila). So much so, this witness denied to have told the police that he had named Manpreet Singh, Nitish @ Pardhan, Krishan Pal Golu and Bachi to have fired upon him on the abetment or conspiracy with Gurinderpal Singh @ Gora Bhau and Goldy Brar.

7. Ld. State counsel has opposed both the petitions by drawing attention towards the criminal antecedents of both the petitioners and that both of them are members of the gangs and also pointing out towards the gravity of offence. Prayer is made for rejecting the petitions.

8. I have considered submissions of both the side and have appraised the record.

9. It is no doubt true that both the petitioners are involved in numerous other cases, as is evident from their respective custody certificates and petitioner-Manjinder Singh @ Kala Sekhon has even been convicted in six of the cases, but at the same time, the Court is required to see the role of the petitioners in the present case, in which they are seeking the bail, as per observations made by Hon'ble Supreme Court in *Prabhakar Tewari Vs. state of UP (supra)* and *Maulana Mohd. Amir Rashadi (supra)*.

10. It was observed in *Prabhakar Tewari's case*, as under:

“The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail. The High Court has exercised its discretion in granting bail to the accused.”

11. In *Maulana Mohd. Amir Rashadi (supra)*, it was observed as under:-.

“It is not in dispute and highlighted that the second respondent is a sitting Member of Parliament facing several criminal cases. It is also not in dispute that most of the cases ended in acquittal for want of proper witnesses or pending trial. As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

12. In present case, it is the conceded by the prosecution that none of the petitioners were present at the spot of the crime. The name of *Manjinder Singh @ Kala Sekhon* (petitioner in CRM-M-31558-2023) has surfaced on the basis of disclosure statement of co-accused Manpreet Singh @ Manna to the effect that he (Manpreet Singh @ Manna) had handed over two pistols to the petitioner, so as to kill Ravel Singh @ Ravila; whereas, the role of *Gurinderpal Singh @ Gora Bhau* (petitioner in CRM-M-16001-2023) is confined to have conspired with Goldy Brar and abetted the assailants, who went to the spot so as to kill Ravel Singh @ Ravila.

13. The status report is silent as to whether any recovery of weapon was effected from Manjinder Singh @ Kala Sekhon (petitioner in CRM-M-31558-2023) or whether any weapon, recovered during investigation, was found to have been handed over by the petitioner (Manjinder Singh @ Kala Sekhon) to the co-accused or used in the crime. Ravel Singh @ Ravila, on whose statement, the DDR No.71 (supra) was registered and in which

petitioners are seeking bail, has not supported the prosecution version during trial. He has denied the role of Gurinderpal Singh @ Gora Bhau (*petitioner in CRM-M-16001-2023*) in any manner. Both the petitioners are in custody. Manjinder Singh @ Kala Sekhon (*petitioner in CRM-M-31558-2023*) is in custody since 20.01.2022; whereas Gurinderpal Singh @ Gora Bhau (*petitioner in CRM-M-16001-2023*) is in custody since 26.07.2021. Having regard to the long list of prosecution witnesses, trial is likely to take long time to conclude.

14. Considering all the facts and circumstances as noted above, but without commenting anything further on merits of the case, both the petitions are allowed. Petitioners are admitted to regular bail on their furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, by observing usual terms and conditions.

A photocopy of this order be placed on the file of other connected case.

06.05.2024

Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>