



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

CRM-M No.30538 of 2024
Date of decision: 1st July, 2024

Heera Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jitender S. Dadwal, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.0077 dated 01.04.2024 under Sections 302, 120-B of the IPC and Sections 25, 27 of the Arms Act, 1959 registered at Police Station Jandiala, District Amritsar Rural.

2. Learned counsel inter alia contends that it was on account of a history of strained relations between the parties that a false case has been planted upon the petitioner. While drawing the attention of this Court to the allegations levelled in the FIR in question, he has further submitted that it were two other persons while riding on a motorcycle, who fired the fatal shots at the deceased; the only role attributed to the petitioner in the crime in question was that he was driving a car at the relevant time, near to the place of occurrence; in fact the petitioner was not even present at the place of occurrence as had been alleged in the FIR in question, as at that particular time he was at his residence. Learned counsel further submits that the petitioner has clean antecedents and is not involved in any other criminal case, much less a case of similar nature. It has also been submitted that the



petitioner is willing to join investigation and cooperate with the Investigating Agency.

3. I have heard learned counsel for the petitioner and perused the relevant material on record including the FIR in question, which has been annexed as Annexure P-1.

4. Before proceeding further, it would be apposite to reproduce the allegations levelled in the FIR in question, which read thus:

“Statement of Gurjant Singh @ Jatta son of Harjinder Singh caste Jatt, Resident of Daoke P.S. Gharinda District Amritsar. Age approximately 33 years. Mobile Number 8264779374. Stated that I am resident of above said address and does agriculture work and are two brothers. I am elder one and Jajbir Singh @ Jajj is youngest to me whose age approximately 30 years and is married person. And on dated 01.04.2024 I alongwith my brother Jajbir Singh @ Jajj, Desbir @ Maalo son of Mangal Singh alongwith company of certain devotees of village Daoke were going on my tractor marka Swaraj 855 alongwith Trolley from their village Daoke, P.S. Gharinda to Sh. Anandpur Sahib. And my brother Jabir Singh @ Jajj was driving the tractor. I and Desbir Singh @ Maalo were sittings were on the mudguards of the tractor. And Hira Singh son of Pargat Singh of their village Daoke was coming at the back of our tractor trolley in his swift car. Two other young persons with muffled faces, were also coming on motorcycle alongwith that car. Such two persons sitting on motorcycle were talking with each other. The drivers of the motorcycle and car took over their



vehicles time and again of our tractor-trolley. Then Hira Singh while taking over, the tractor-trolley, diverted the intentions of motorcyclists towards my brother Jajbir Singh @ Jaji. Then time approximately 7.30 A.M when we reached near brick lane i.e. little behind the village Bandala on Tarn Taran road then pillion rider of motorcycle, fired four shots towards my brother Jajbir Singh @ Jajj. Two of such shots in hit in the abdomen and right thigh of my brother Jajbir Singh and one fire shot hit on the little finger of left hand. We raised an alaram of 'Maar Ditta-Maar Ditta'. Thereafter Hira Singh fled away in his car towards Tarn Taran side. While those two persons riding on motorcycle were fled away from the spot on the motorcycle alongwith their pistol. We arranged the vehicle and admitted our brother Jajbir Singh @ Jajj above said in the Amandeep Hospital, Amritsar. Where doctor sahib was declared as dead to Jajbir Singh @ Jajj. Cause of grudge is that our village Hira Singh son of Pargat Singh son of Budh Singh, Shindi wife of Pargat Singh were having a quarrel in regard to the land. Karambir Singh son of Haradesh Singh resident of Village from their family died in an accident. And for that they involved Jajbir Singh @ Jajj in the same. And many of times above said Hira Singh and his mother Shindi gave threatenings that they will kill the Jajbir Singh @ Jajj and you can go anywhere. So today above said Hira Singh son of Pargat Singh, Shindi wife of Pargat Singh and 02 unknown young persons in connivance with each committed the murder of my brother with fire shots. I alongwith Desbir Singh son of Mangal Singh resident of Daoke came to you by lefting the dead body with my uncle sarwan Singh son of Ravel Singh



resident of Daoke for recording the statement. That you met us. Action be taken, statement is recorded with you which is heard and correct. Sd/- Gurjant Singh.”

5. A perusal of the allegations levelled in the FIR in question clearly reveals that not only was the petitioner specifically named in the FIR in question, which was promptly lodged, but a specific role had also been attributed to him; it was the petitioner who pointed out the deceased to the co-accused, who were riding on motorcycle alongside his car; soon thereafter, the co-accused fired fatal shots from their respective firearms towards the deceased. The plea of alibi raised by the learned counsel for the petitioner cannot be delved into at the stage of deciding the instant petition under Section 438 Cr.P.C.

6. In the facts and circumstances as enumerated hereinabove, and especially the role attributed to the petitioner, he does not deserve the extraordinary concession of anticipatory bail. The petition as such is dismissed. 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 1, 2024
rps

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