

CRM-M-31230-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31230-2024
Reserved on: 06.08.2024
Pronounced on: 30.08.2024

Kuldip Singh Panchi @ Prince ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Karanjit Singh, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

Mr. B.S. Randhawa, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
17	05.02.2024	B Division, District Amritsar	302, 307, 427, 148, 149 IPC and Sections 25/27/54/59 of Arms Act

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC, 1973, seeking anticipatory bail.
2. In paragraph 15 of the reply dated 11.07.2024, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the reply dated 11.07.2024, filed by the State, which reads as follows:

“3. That the brief and relevant facts of the case are that the aforesaid FIR No. 17 dated 05.02.2024 was registered on the basis of the statement of Jasbir Singh son of Late. Swaran Singh, who had alleged therein that on 04.02.2024, at about 05:30 PM, his son Harmanjit Singh came home and told him that he was flying kites at about 04:30 PM on the roof of his friend Robin Rai with his other friends and Parminder Singh Bedi, Aditya Bedi were flying kites on their roof accompanied by Jugraj Singh alias Lal and they were looking at them, raising lalkaras and abusing them. He further alleged that that he made his son understand to not enter into quarrel and in the meantime, Robin Rai, Amritpal Singh alias Maddi came to take his son and his son Harmanjit Singh also sat with them on their Aactiva and left from there and he also went behind him on his Aactiva and when he reached at P.Mart Shop, Sultanwind Road, Parminder Singh Bedi

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armed with a pistol, Aditya Bedi holding a polythene containing empty bottles, Jugraj Singh alias Lal armed with pistol and Shamsher Singh alias Shera along 4-5 unknown persons were present there and Aditya Bedi raised lalkara to catch hold of his son Harman and Robin and started pelting empty glass bottles on his son Harmanjit Singh and his friends. He further alleged that thereafter Parminder Singh Bedi and Jugraj Singh alias Lal started shooting directly with their pistols on his son Harmanjit Singh and his friends with an intention to kill them and one bullet hit in the waist of his son Harmanjit Singh and one bullet hit the OTAR car of a passer-by and when he raised hue and cry for help, all the aforesaid accused fled away from the spot with their respective weapons. He further alleged that he took his son Harmanjit Singh to Civil Hospital Amritsar for medical treatment but later he took his son to Hartej Hospital, where the doctor declared his son Harmanjit Singh as dead. The main cause of the incident was that his sister-in-law's son Amritpal Singh alias Madhi had a dispute with the aforesaid accused and they keep grudge in their mind against his son and his friends. The detailed facts mentioned by the complainant Jasbir Singh in the aforesaid statement have been reproduced in the true translation of the FIR attached with the petition as Annexure P-1, which may kindly be read as a part of present paragraph as same are not repeated here for the sake of brevity."

4. The petitioner's counsel prays bail on the grounds of false implication and explicitly refers to paras 8 and 9 of the bail petition, which read as follows:

"8. That the deceased Harmanjit Singh suffered only one Injury which was bullet injury which led to his death and it has been specifically been attributed to the Co accused. The copy of PMR of the deceased is annexed as Annexure P-5.

9. That the present petitioner is innocent and he had no motive to commit the present offence. He has been falsely involved on the disclosure of Co-accused Daljit Singh @ Bunty who has old monetary dispute with the petitioner."

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The State's counsel opposes bail and refers to the reply, and explicitly to paras 11 and 12, which read as follows:

"11. That as per the prosecution version, the petitioner being a member of an unlawful assembly comprising of him and other nominated co-accused armed with pistols and empty bottles had fired upon Harmanjit Singh resulting into the death of Harmanjit Singh. The petitioner had actively participated in the alleged occurrence.

Evidence against the petitioner

12. That the prosecution evidence against the petitioner is primarily based on the oral supplementary statement of the complainant Jasbir Singh under section 161 Cr.P.C and the post-mortem examination report of the deceased Harmanjit Singh, which corroborates his version."

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7. The complainant's counsel opposes bail.

8. It would be appropriate to refer to the DDR Annexure R-1, annexed by the complainant, which reads as follows:

"It is recorded that From the investigation so far in the case FIR no. 17 dated 5.2.2024 u/s 302, 307, 427, 148, 149 IPC and 25,27, 54/59 A Act PS B DIV ASR, it has been found that at the time of the incident of the case, the complainant Jasbir Singh son of late Sarwan Singh, a resident of Friend Colony, near Singh Sabha Gurdwara, Sultanwind road ASR four or five unknown persons had written in the case at the time of registration the FIR. Among those unknown persons accused Kuldeep Singh Pinchi @ Prince son of Gurdeep Singh resident Gali no.2, Friends Coloney Sultanwind road ASR and Sethi Sandhu @ Chamandeep Singh son of Kuldeep Singh Gali No. 5, Kot Baba Deep Singh, Sultanwind road, ASR were found to be involved in the incident, Due to which Kuldeep Singh and Sethi @ Chamandeep Singh are nominated as accused in the case. The report regarding information are sent to the higher official and Illaka Magistrate in service by issuing serial special reports. The situation was brought to the attention of the senior officers regarding the case."

9. A perusal of the specific allegations made against the petitioner, prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. Any further discussions are likely to prejudice the petitioner; this court refrains from doing so.

10. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

11. **Petition dismissed.** Interim orders, if any, are recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024

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Whether speaking/reasoned: Yes

Whether reportable: No.