



CRM-M-31104-2024 -1-

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

**CRM-M No.31104 of 2024
Reserved on: 12.11.2024
Pronounced on: 29.11.2024**

Jagroop Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**Present:** Mr. L.S.Lakhanpal, Advocate
for the petitioners.

Mr. Sukhdev Singh, AAG, Punjab.

Mr. M.S. Bhatti, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
18	02.02.2024	Bhindi Saidan, District Amritsar (Rural)	307/336/506/148/149 IPC and 25/27 of Arms Act (Section 302 IPC added later on)

1. The petitioners apprehending arrest in the FIR captioned above have come up before this Court under Section 438, Cr.P.C., 1973, seeking anticipatory bail.
2. In paragraph 17 of the bail petition, the accused declares that they have no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

"13. That the brief and relevant facts of the case are that the aforesaid FIR No. 18 dated 02.02.2024 was registered on the basis of the statement of Balwinder Singh son of Darshan Singh, who had alleged therein that he used to cultivate two acres of land owned by the Punjab Government, which was mortgaged by his mother to co-accused Satnam Singh and after the death of his mother, when he (Balwinder Singh) asked for the possession of the aforesaid land from co-accused Satnam Singh, he (Satnam Singh) told him that he has got transferred the land in his name and then, he came to know that aforesaid Satnam Singh had got transferred land in his name on the basis of false documents. He



further alleged that on 02.02.2024 at about 04:00 PM, he along with his wife Shinder Kaur and son Gurpreet Singh were present at their house and co-accused Jaskaran Singh armed with a revolver, Satnam Singh armed with a 12 bore rifle, Jagroop Singh (petitioner No. 1) armed with a datar, Ranjit Singh alias Rana armed with a gandas and Harpreet Singh (petitioner No. 2) armed with a baseball bat came into the land of Tara Singh and started hurling abuses to them and when he asked for the reasons for abusing them, the aforesaid accused started threatening him and in the meantime, his son Gurmukh Singh came there and Ranjit Singh alias Rana raised a lalkara to teach them a lesson for asking for the possession of land and thereafter co-accused Satnam Singh fired two shots from his rifle in the air and co-accused Jaskaran Singh fired a direct shot from his revolver, which hit on the forehead of his son Gurmukh Singh and then all the aforesaid accused persons fled away from the spot on raising of hue and cry for help by them. The detailed facts mentioned by the complainant Balwinder Singh in his 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 the present paragraph as same are not repeated here for the sake of brevity."

4. 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.
5. The State's counsel opposes bail and refers to the status report.
6. It would be appropriate to refer to the following portions of the status report, which read as follows:

"Role of the petitioner

10. That as per the prosecution version, the petitioners being armed with a datar and a baseball respectively, had indulged into a dispute with the complainant Balwinder Singh on 02.02.2024 at about 04:00 PM, in respect of the possession of land after forming an unlawful assembly consisting of them and other nominated namely co-accused Satnam Singh armed with a 12 bore rifle, Jaskaran Singh armed with a revolver and Ranjit Singh alias Rana armed with a gandas, and during the occurrence, the co-accused Satnam Singh had fired shots from his 12'bore rifle in the air and the co-accused Jaskaran Singh had fired a direct shot with a revolver on the forehead of the deceased Gurmukh Singh, which resulted in his death during treatment on 04.04.2024.

Evidence against the petitioner

11. That the prosecution evidence against the petitioner is primarily based on the oral statement of the complainant Balwinder Singh, his wife Shinder Kaur and son Gurpreet Singh under section 161 Cr.P.C, and recoveries of the weapons used by the arrested co-accused during the occurrence pursuant to their disclosure statements under section 27 of the Evidence Act. The



post-mortem examination report of the deceased Gurmukh Singh corroborates the prosecution version."

7. There is sufficient evidence of the petitioners being members of an unlawful assembly, either with a common intention, a common object, or even with both. Although the petitioners did not fire any gunshot but it was alleged in the FIR that Jagroop Singh was armed with Datar and Harpreet Singh armed with basketball bat and they had come alongwith Satnam Singh who was armed with the rifle, thus, in their presence the rifle which is not considered used at the scene of occurrence, Jaskaran had fired shot which hit Gurmukh Singh. Thus, when both the petitioners who had accompanied Satnam Singh, they were very well aware about Satnam Singh carrying a gun and there is no mention of their taking any step to stop Satnam Singh from fire. In fact, their taking of Satnam Singh at the scene of crime who was armed with the weapon prima facie fulfills the requirement of common objective.

8. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

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

10. Petition dismissed. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

29.11.2024
Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.