



213.
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CRM-M-32312-2023 (O&M)
Date of decision: 18.12.2024

Ranjit Singh @ RanaPetitioner

Versus

State of PunjabRespondent

2. CRM-M-43216-2023

Ajay MasihPetitioner

Versus

State of PunjabRespondent

3. CRM-M-17509-2023

Sher Singh @ Shamsher Singh @ SheraPetitioner

Versus

State of PunjabRespondent

4. CRM-M-65376-2023

Lakhbir SinghPetitioner

Versus

State of PunjabRespondent

5. CRM-M-24562-2024

Shamsher Singh @ SheraPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gurmohan Singh Bedi, Advocate,
Mr. Pawandeep Singh, Advocate,
Mr. Anand Vardhan Khanna, Advocate,
Mr. Rahul Rohilla, Advocate and
Mr. K.S. Dargan, Advocate,
for the petitioner in CRM-M-32312-2023.

Mr. Anmol Jeevan Singh Gill, Advocate,
for the petitioner in CRM-M-43216-2023.

Mr. Amit Kumar, Advocate for
Mr. Anshumaan Dalal, Advocate,
for the petitioner in CRM-M-17509-2023.

Mr. Hitesh Chopra, Advocate,
for the petitioner in CRM-M-65376-2023.

Mr. Manbir Singh Basra, Advocate and
Mr. Anupinder Brar, Advocate,
for the petitioner in CRM-M-24562-2024.

Mr. Navdeep Singh, DAG, Punjab.

Mr. Sukhdeep Singh, Advocate,
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners, namely, Ranjit Singh @ Rana, Ajay Masih, Sher Singh @ Shamsher Singh @ Shera, Lakhbir Singh, Shamsher Singh @ Shera, are seeking the concession of bail under Section 439 of Cr.P.C. in case FIR No.18, dated 06.03.2022, under Sections 302, 307, 148, 149, 120-B of IPC, 1860 and Section 25/27 of Arms Act, 1959, registered at Police Station Kalanaur, District Gurdaspur.

Since these petitions arise from the same FIR, they are being decided by this common order.

The case of the prosecution, as per the FIR registered on the statement of Gagandeep Singh (hereinafter referred to as 'complainant'), is as follows.

On 05.03.2022, at about 8.00 PM, the complainant along with his friends Jaswinder Singh @ Happy (hereinafter referred to as 'deceased No.1') and Baljit Singh (hereinafter referred to as 'deceased No.2') was sitting at an eatery near the bus stop at Wadala Bangar. At that time, 5-6 unidentified persons with muffled faces arrived, two of them were armed with pistols while the others were carrying datars with them.

One of the assailants allegedly attacked the complainant on the back of his head with the intent to kill him. The assailants with pistols opened fire at deceased No.1 and deceased No.2. Deceased No.1 sustained a gunshot wound on his chest and died on the spot, while deceased No.2, who was admitted to a hospital, succumbed to his injuries on 08.03.2022. The assailants fled the scene after the attack.

Learned counsel for the petitioners have raised the following contentions:

- (i) The FIR was lodged against unidentified persons, and no suspicion was raised against the petitioners by the complainant at the time of registration of the FIR;
- (ii) two days after the incident, a supplementary statement was made by Inderjeet Singh (brother of deceased No.1), on 07.03.2022 wherein he raised suspicion regarding the involvement of petitioner Ranjit Singh. This led to the arrest of petitioner Ranjit Singh on 13.03.2022;

- (iii) the prosecution has relied on the statement of one PW Baljit Singh, recorded under Section 161 of Cr.P.C., on 13.03.2022. PW Baljit Singh, who allegedly saw petitioner Ranjit Singh removing his muffler and fleeing, was stated to be present at the scene, but strangely did not provide any statement to the police, when it arrived at the spot immediately after the incident. It has been further argued that PW Baljit Singh, as per the admitted case of the prosecution, had no prior acquaintance with any of the accused, much less petitioner Ranjit Singh, making his delayed statement under Section 161 Cr.P.C. highly suspicious;
- (iv) no recovery of any weapon of offence was made from the petitioners. The names of most of the accused surfaced only in the disclosure statements made by petitioner-accused Ranjit Singh, which holds limited evidentiary value;
- (v) while strained relations were alleged as a motive for petitioner Ranjit Singh to carry out the crime in question, no such motive has been attributed to the other petitioners;
- (vi) the petitioners have been in custody for a significant period (petitioner Ranjit Singh @ Rana since 13.03.2022, petitioner Lakhbir Singh since 20.06.2022, petitioner Shamsher Singh since 06.03.2023, petitioner Shamsher

Singh @ Shera since 18.03.2022 and petitioner Ajay Masih since 01.11.2022), with the trial progressing at a slow pace, only one prosecution witness out of 33 cited having been examined so far.

Learned counsel for the State assisted by learned counsel for the complainant have, however, vehemently opposed the prayer and submissions made by the counsel opposite by making the following submissions:

- (a) Petitioner Ranjit Singh was nominated as an accused, based on the supplementary statement of Inderjeet Singh (brother of deceased No.1). On his arrest, he suffered a disclosure statement which led to the nomination of all the other co-accused including the petitioners;
- (b) PW Baljit Singh in his statement recorded under Section 161 of Cr.P.C. stated that he had seen the petitioner Ranjit Singh removing his muffler and fleeing the scene soon after the occurrence in question;
- (c) The crime committed by all the accused including the petitioners involved cold blooded murder of both the deceased; complainant was also inflicted injuries by the accused party.

However, learned State counsel as well as learned counsel for the complainant have not been able to refute the following:-

- (i) PW-Baljit Singh's statement regarding identification of petitioner Ranjit Singh was recorded on 13.03.2022, i.e. after 8 days of the incident, despite his presence at the scene of the crime when the police arrived;
- (ii) PW-Baljit Singh had no prior acquaintance with any of the accused much less petitioner Ranjit Singh;
- (iii) The FIR was registered against unknown assailants.

Upon considering the submissions of the parties as well as the material on record, this Court deems it appropriate to allow the instant petitions for the reasons to follow.

- (i) The FIR in question was lodged against unidentified persons and the involvement of petitioner Ranjit Singh, in the crime in question, came to the fore only for the first time in the supplementary statement made by Inderjeet Singh (brother of deceased No.1) on 07.03.2022, wherein he raised suspicion qua the involvement of petitioner Ranjit Singh on account of some quarrel which had taken place between the deceased and the accused. Thereafter, a disclosure statement was allegedly made by petitioner Ranjit Singh leading to the nomination and arrest of all the other accused;

- (ii) Furthermore, the delayed recording of PW Baljit Singh’s statement under Section 161 of Cr.P.C. does prima facie raise questions about its credibility, especially since he was already present at the scene when the police arrived following the crime in question;
- iii) the petitioners have been in custody for a considerable period of time and with 32 prosecution witnesses yet to be examined, the conclusion of the trial appears remote.

As a sequel to the above, the instant petitions are allowed and the petitioners be admitted to bail on their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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

December 18, 2024
sanjeev

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