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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.32311 of 2024
Date of decision: 10.07.2024

Jagdeep Singh @ Daula

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rajesh K.Dadwal, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 438 of Cr.P.C. seeking pre arrest bail in case arising out of FIR No.17 dated 11.02.2024 registered under Sections 386, 307, 506 and 120-B of IPC and 25 (6) and 27 of Arms Act, 1959 (Sections 482 and 411 of IPC were added later on) at Police Station Mahilpur, District Hoshiarpur, Punjab.

2. The aforementioned FIR had been lodged on the basis of

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statement recorded by the complainant on 11.02.2024 alleging therein that on the same day at about 10:15 AM, he was present in his shop and was cleaning the same when three youths came there riding on a bike. They had covered their faces with hoodies and caps and they at once started firing shots with firearms at the flex board of his shop. His helper Ravi was present there. One of them pushed Ravi and fired a shot on him with an intent to kill him. He was, however, saved as the fire shot hit on the flex board of his shop. One of those youths handed over a slip containing writing “Kaushal Choudhary Group 5 Crore W.No +393533401161”. After registration of FIR, investigation proceedings were initiated. On the same day, DDR No.32 was entered to the effect that a similar incident had previously taken place in the area of Police Commissionerate, Jalandhar qua which FIR No.253 dated 15.12.2023 was registered at Police Station New Baradari, Jalandhar and in that case, two persons namely Davinder Pal and Rohit Kumar were nominated as accused. It was also revealed that the abovesaid two persons had constituted a gang along with Saurav Chaudhary and Kaushal Chaudhary for collecting ransom and used to provide arms and ammunitions for extending threats to rich people for extracting ransom money. The accused Davinder Pal and Rohit Kumar were arrested on 15.02.2024. Then co-accused Manisha, Banwari Lal, Kuldeep Singh alias Kuldeep Thakur, Gurdeep Singh alias Deepa and Gurpreet Singh alias Preeti were also nominated as accused. The accused Kuldeep Singh was arrested and

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suffered disclosure statement on 07.05.2024 admitting his complicity in the crime and disclosed that six pistols were supplied to them by the present petitioner and co-accused Gurpreet Singh alias Preeti for extending threats to the complainant. The investigation is underway. Apprehending his arrest, the present petitioner had moved an application for grant of anticipatory bail which had been dismissed by the Court of learned Sessions Judge, Hoshiarpur vide order dated 06.06.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Neither he was named in the FIR nor his presence at the spot of occurrence had been alleged or established during the course of investigation. He has been nominated on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him and with these broad submissions, it is urged that the petition deserves to be allowed.

4. Per contra, learned State counsel has argued that there are serious allegations against the petitioner as he along with the co-accused Gurpreet Singh used to supply weapons of offence to the other co-accused and such weapons were being used by the co-accused for extending threats to the public persons for collecting ransom money and while extending threats to the complainant of this case also and firing shots with firearm upon his shop/on his helper, the co-accused had used

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same weapons as supplied by the petitioner himself. It is further argued that the custodial interrogation of the petitioner is also required for effecting recovery of fire arms which was alleged to be in his custody, therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

6. As per the allegations, the petitioner along with co-accused Gurpreet Singh had supplied six pistols to the three co-accused who on the fateful day had gone to the shop of the complainant and had fired shots with firearms which they were having with them. It is also alleged that he is in possession of two pistols. The petitioner is alleged to be a member of gang constituting several persons engaged in collecting ransom money from innocent public persons. The petitioner being a member of gang of criminals involved in demanding ransom by extending threats to the public persons, his custodial interrogation would be of tremendous advantage in identifying the chain of other members of his gang and for that purpose, his custodial interrogation is required. Even otherwise, the custodial interrogation of an accused is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of Cr.P.C. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial

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Court. Keeping in view the discussion as made above, the petitioner does not deserve to be given concession of bail. Accordingly, the petition is dismissed.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

10.07.2024
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(MANISHA BATRA)
JUDGE

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