

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

CRM-M-35119-2024
Date of Decision: 19.11.2024

Jashanpreet Singh		...Petitioner
	vs.	
State of Punjab		...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Jasinder Singh Thind, Advocate with
 Mr. Baksher Singh, Advocate
 for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

Mr. Ankush Rampal, Advocate for
Mr. Kushagra Mahajan, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.15 dated 12.03.2024 registered under Sections 302, 120-B, 34 of IPC and Sections 25, 27, 29, 30, 54, 59 of Arms Act, 1959, at Police Station Kathunangal, District Amritsar.
2. The FIR in the present case was registered on the basis of the statement made by Manjit Singh son of Pyara Singh and the same has been reproduced below:-

*“Statement of Manjit Singh Son of Pyara Singh
Resident of Ram Diwali Hindus Police Station Kathunangal
District Amritsar Age 42 Years Mo.No. 98777-80654 stated that I*



am a resident of the said address and retired from the Departmental Army and my brother Kavaljit Singh is also retired from the Departmental Army. My brother Kavaljit Singh daily walks from village Chogava to the house of Rana Patwari resident of Chogava to get milk in the evening. Like every time on 09-03-2024 in the evening too, my brother Kawaljit Singh went on foot to get milk from the house of Rana Patwari residents of Chogava that the time was 7:10. PM and my brother Kawaljit Singh on his mobile number 98760-93447 called me on my mobile number 98777-80654 and said that I was bringing milk that two unknown youths came after me on a motorcycle and shot me and left. Come quickly. On which I reached the spot in my car and saw my brother was lying on the road injured. Who had a bullet in his right side of the body. I have brought him in my car to Fortis Escort Hospital Amritsar and admitted him for treatment. He will write his statement to you and he might know the unidentified youths. Kindly take legal action against the two unidentified youths. I have written the statement to you, read it and you've listened to it. Sd/- Manjit Singh Manjit Singh Sd/- Gurpreet Singh Gurpreet Singh, Attestation Sd/- Sulakhan Ram SI Police Station Kathunangal Dated 12.03.2024.”

3. Learned counsel for the petitioner contends that the petitioner was falsely involved in the present case. In fact, the FIR was initially registered against two unknown persons, who had fired at the deceased. During the course of investigation, it was found that Manjinder Singh @ Gaggan and Meharpreet Singh @ Tidda, both co-accused had fired at the deceased and both of them have already been arrested by the police. He further contends that the petitioner was not present at the place of occurrence as he was in judicial custody in some other criminal matter. The only allegation against the petitioner



is that he had supplied the weapon of offence to the main accused, namely, Manjinder Singh @ Gaggan and Meharpreet Singh @ Tidda, who were present at the place of occurrence. Learned counsel further submits that the petitioner was arrested in the present case on 30.03.2024 and the challan has already been presented against him. Even the statement of the complainant has already been recorded by the trial Court and the petitioner is not in a position to tamper with the evidence.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had supplied the weapon of offence to Manjinder Singh @ Gaggan and Meharpreet Singh @ Tidda and the petition is liable to be dismissed by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner was admittedly not named in the FIR and the FIR was registered only against two unknown persons, who had fired shots at the deceased. Later on, it was found that Manjinder Singh @ Gaggan and Meharpreet Singh @ Tidda had fired shots at the deceased and it has been found that the petitioner was not present at the place of occurrence. Moreover, as per the case of the prosecution, the petitioner had only supplied the weapon of offence to the main accused and he had not participated or conspired for commission of the offence in the present case.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his



furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*
- (viii) The petitioner shall report every 1st Monday in English calander month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday to the concerned SHO, it shall be viewed seriously and the concession*

granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

19.11.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned :
Whether reportable

:
:

Yes/No
Yes/No