

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35387-2024
Reserved on: 09.08.2024
Pronounced on: 30.08.2024

Parvinder Singh @ Vicky ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Karnail Singh Ahhi, Advocate
for the petitioner.

Mr. Jasjit Singh, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0245	01.10.2019	Jandiala, District Amritsar Rural	302, 332, 333, 353, 186, 379-B (2), 120-B, 148, 149 IPC and 25, 27 of Arms Act, 21, 29, 61, 85 of NDPS Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.

2. In paragraph 11 of the bail petitioner, the accused declares the following criminal antecedent:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	157/2019	-	21 of the NDPS Act	Adampur, District Jalandhar

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:-

“3. That the brief facts of the case are that the aforesaid FIR No. 245 dated 01.10.2019 under sections 302, 332, 333, 353, 186, 379-B (2), 120-B, 48 & 149 of the Indian Penal Code, read with Section 25 & 27 of the Punjabi Arms Act and read with Section 21 & 29 NDPS Act (Annexure P-1) was registered at Police station Jandiala, Amritsar (Rural) on statement of Ajay Singh, P.P.S., Deputy Superintendent of Police, S.T.F., Jalandhar Range, who had stated therein that on 01.10.2019, he along with his police party was present at railway crossing of Bhidipur at Jalandhar in search of bad elements and received a secret information through his informer that Amandeep Singh, accused of the case FIR No. 157/2019 under section 21 of

NDPS Act registered at Police Station Adampur, District Jalandhar, was selling heroin by procuring the same from one Palwinder Singh (petitioner), who was going towards Tarn Taran along with his associates on a Baleno car bearing registration No. PB02-0878. He further stated that the informer had told him that he would persuade him to come near, at turning point of the road at village Jannia, Amritsar and he (complainant) should wait there to arrest him and as such, he (complainant) reached at the aforesaid place and started waiting there. He further stated that after some time, a Baleno Car bearing registration No. PB02-0878 occupied by three persons was seen coming from the Jandiala side, which was stopped by his three subordinate police employee i.e., H.C Davinder Singh, H.C Amrit Kumar and Constable Gurdeep Singh, who were in civil clothes and they told the occupants of the car that they were police employee and a police party in uniform was also at a distance and they wanted to have some talks with them about the case of heroin and thereafter two occupants from the aforesaid Baleno car alighted from their car and sat in the Police vehicle No. PB08-EA-0068 to have a talk with them. He further stated that in the meantime, the petitioner and one another person came there on a motorcycle No. PB02-DR-8187 and the petitioner pulled out a pistol and H.C Amrit Kumar also pulled out his service pistol and they started grappling with each other and due to that the service pistol of H.C Amrit Kumar fell on the ground, which was immediately picked up by the person accompanying the petitioner from the ground but Constable Gurdeep Singh made an attempt to snatch the said service pistol from him but he fired a shot from the said pistol towards Constable Gurdeep Singh by cocking the pistol, which hit him on the right side of his neck injuring him seriously and thereafter, the petitioner and other co-accused ran away from the spot after boarding the Baleno car by firing shots leaving the motorcycle at the spot. He further stated that Constable Gurdeep Singh was immediately taken to the Civil Hospital, Manawala in an injured condition for medical treatment but he was referred to Guru Nanak Dev Hospital, Amritsar and due to his critical condition, he was got admitted in the Escorts Hospital, Amritsar for further treatment but he succumbed to his injuries. He further stated during the scuffle, a packet of heroin of the accused persons fall down in the Police vehicle No. PB-08 EA 0068, which was handed over to the investigating officer. The detailed facts mentioned by Ajay Singh, Deputy Superintendent of AOTAR Police, S.T.F., Jalandhar Range, BHATIA in the aforesaid statement are reproduced in the true translation of the FIR No. 245 dated 01.10.2019 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 because of the long delay in the trial.
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.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

"Role of the petitioner:-

6. That role of the petitioner during the aforesaid occurrence was that when the three police employee i.e., H.C Davinder Singh, H.C Amrit Kumar and Constable Gurdeep Singh, from the police party headed by the complainant, were enquiring from the co-accused Arwinder Singh @ Foreigner and Rajan Singh about the recovery of a heroin in a case while sitting in a Police vehicle No. PB08-EA-0068, the petitioner along with co-accused Harpreet Singh @ Happy came there on a bullet motorcycle No. PB02-DR-8187 for taking delivery of 500 grams heroin from them but on seeing them, they started grappling with the police employee in civil clothes in a vehicle No. PB08-EA-0068. The petitioner pulled out a country made pistol to rescue co-accused Arwinder Singh @ Foreigner and Rajan Singh from the Police officials and in retaliation, H.C. Amrit Kumar also pulled out his service revolver and grappled with the petitioner but his pistol fell down on the ground, which was picked up by co-accused Harpreet Singh @ Happy and handed over to Rajan Singh, who fired a shot on constable Gurdeep Singh and injured him seriously resulting in his death afterwards. Thus, the petitioner had actively participated in the aforesaid occurrence along with co-accused Harpreet Singh @ Happy and Rajan Singh in which a brave police officer had lost his life by the hand of his accomplice Rajan Singh.

Evidence against the petitioner:-

7. That the petitioner and co-accused Harpreet Singh @ Happy were arrested on 01.10.2019 by the investigating officer during the course of investigation. During custodial interrogation, the petitioner suffered a disclosure statement dated 03.10.2019 before the Investigating officer disclosing therein that on 01.10.2019, he along with co-accused Harpreet Singh @ Happy had come near village Janian on a bullet motorcycle No. PB02-DR-8187 to take delivery of 500 grams heroin from their boss co-accused Baba Simarjit Singh to supply the same further to a customer and co-accused Baba Simarjit Singh sent co-accused Arwinder Singh @ Foreigner, Rajan Singh and Akashdeep Singh there on a Baleno car No. PB02-DM-0878 to deliver a packet of 500 grams of heroin to them. He further disclosed that when Arwinder Singh @ Foreigner, Rajan Singh and Akashdeep Singh came there to deliver the packet of heroin to them in a Baleno car No. PB02-DM-0878 near village Janian, their car was stopped by three young persons, who made Arwinder Singh @ Foreigner and Rajan Singh alight from their car and to sit in their XUV 500 car while he (petitioner) and co-accused Harpreet Singh @ Happy were watching them from a little distance and after some time, they saw them grappling with those persons, who had made them to sit in the XUV 500 car. He further disclosed that he and Harpreet Singh @ Happy immediately proceed towards them on their bullet motorcycle for their help and he (petitioner) pulled out a country made pistol to

create a scare of killing them to rescue Arwinder Singh @ Foreigner and Rajan Singh but the pistol of one of those persons fell down on the ground, which was picked up by Harpreet Singh @ Happy and handed over to Rajan Singh and thereafter Rajan Singh fired a shot on the person who was holding Arwinder Singh @ Foreigner. He also disclosed that in the meantime, a packet of 500 grams of heroin fell down in the XUV Car, which was in the possession of Arwinder Singh @ Foreigner. He further disclosed that after firing of the shot from the pistol, they fled away from the place by firing shots in their Baleno No. PB02-DM-0878 of Arwinder Singh @ Foreigner, which was driven by co-accused Akashdeep Singh @ Bahia. He also disclosed that the recovered 500 grams of heroin belonged to Baba Simarjit Singh, Arwinder Singh @ Foreigner, Rajan Singh, Akashdeep Singh @ Bahia, Harpreet Singh @ Happy and him jointly as they used to sale heroin jointly. He also disclosed that he sold 200 grams heroin to Amandeep Singh resident of Noorpur and the pistol used for firing shot and the service snatched pistol of HC Amrit Kumar and the Baleno car was in possession of co-accused Arwinder Singh @ Foreigner and Rajan Singh.”

8. A perusal of the bail petition and the documents attached prima facie points towards the petitioner’s involvement and does not make out a case for bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

9. The petitioner is also not entitled to bail because of the delay in the trial because of the determinate statutory sentencing, which makes the minimum sentence that the Courts can impose imprisonment for life.

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
Jyoti Sharma

Whether speaking/reasoned : Yes
Whether reportable : No.