



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.36635 of 2024
Date of Decision: 18.10.2024

Gurdeep Singh ... Petitioner

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gurinder Singh Bhandari, Advocate,
for the petitioner.

Mr. Satjot Singh, AAG, Punjab,
for the respondent-State.

Mr. Achin Gupta Advocate and
Mr. Karan Bansal, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
148	20.10.2023	Kot Ise Khan, District Moga	302, 404, 341, 148 and 149 of IPC and 25 and 27 of Arms Act, 1959

2. As per the prosecution case on 20.10.2013, the complainant Kulwinder Kaur recorded her statement before the police to the effect that on the same day at about 7 AM, she along with Karanvir Singh and Karamjit Kaur was going for daily walk in the area of Galoti road. Her

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father-in-law Veer Singh along with some other persons was also taking a walk ahead of them. When he reached near the land of Nirmal Singh @ Nimmo Pradhan, suddenly two cars and 3-4 motorbikes occupied by 14-15 persons came from the village side and by crossing the complainant, the same reached near her father-in-law. The occupants of the vehicle had encircled Veer Singh. The occupants made exhortations that her father-in-law and others should not escape and then accused Sukhdev Singh fired a shot with a revolver and thereafter Sukhdev Singh and Gurdeep Singh fired shots thereby hitting the head of Veer Singh and abdomen of Ranjit Singh. Both of them fell on the ground. The accused Ranjit Singh struck blows with baseball bat on the head of Taranjit Singh. The complainant and her companions raised alarm and then all of them fled from the spot. The injured were immediately rushed to the hospital and the victims Veer Singh and Ranjit Singh were declared to be brought dead whereas Taranjit Singh was undergoing treatment. She alleged that the motive was that the assailants were having grudge against her father-in-law on account of some audio recordings sent by one Raju Khalsa.

3. On the basis of statement of complainant, FIR was registered. Investigation proceedings were initiated. Postmortem examination and inquest proceedings qua the dead bodies were conducted. During investigation, the co-accused were arrested. It was revealed that one of the car which was used at the time of occurrence was purchased by the present petitioner. The present petitioner was arrested on 23.10.2023. He too suffered disclosure statement and got recovered a 12 bore double barrel gun used by him in the occurrence. A Special Investigating Team was

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constituted.

4. As per the further allegations, on 30.10.2023, a DDR No.26 was entered as cross version on the basis of statement recorded by Surinderjit Singh alleging therein that the deceased Veer Singh, Ranjit Singh along with their companions namely, Taranjit Singh, Dev Singh, Piara Singh and Balwinder Singh were the aggressors who had a scuffle with him and other members of his party on 20.10.2023. He further alleged that Taranjit Singh had directed Veer Singh deceased to fire a shot upon him who had stood in front of his father to save him and had sustained two bullet injuries and only thereafter his father Gurcharan Singh had fired a shot in defence that had hit the head of Veer Singh who had fired other shots also along with Ranjit Singh. After completion of investigation proceedings, challan was presented against the present petitioner and co-accused and presently, they are facing trial for commission of aforementioned offences. The petitioner had moved an application for grant of regular bail which was dismissed by the Court of learned Additional Sessions Judge, Moga vide order dated 09.07.2024.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Infact, it is a case of version and cross version since the members of the complainant party i.e. the deceased Veer Singh and Ranjit Singh along with others were the aggressors and had opened assault upon the members of the accused party and had caused firearm injuries to Surinderjit Singh on whose statement a DDR No.26 has been entered. The Special Investigating Team had found several persons named in the FIR to be innocent. As per the allegations, the petitioner had

fired from one double barrel gun and the bullet had hit Ranjit Singh in his

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abdomen. However, according to the FSL report, the bullet received from the dead body of the victim Ranjit had not been fired from 12 bore double barrel gun recovered at the instance of the present petitioner. Meaning thereby that the allegations that the petitioner had fired shot upon Ranjit Singh with a double barrel gun were proved to be falsified. Irrespective of a report declaring him as innocent by Special Investigating Team, he had been implicated in this case. The trial is likely to take time. As per the investigation, he had reached at the spot of occurrence after it had already taken place and, therefore, could not have any hand in the same. He is in custody for a period of about one year. The trial is likely to take time. The complainant who was the most material witness of the case already stands examined. There are no chances of petitioner's intimidating her. His further detention would not serve any useful purpose. Therefore, it is urged that he deserves to be released on bail. To fortify his argument, learned counsel for the petitioner has relied upon authority cited as **State through the Inspector of Police v. Laly @ Manikandan and another**, 2022 Live Law (SC) 851.

6. Status report has been filed by the respondent-State. It is submitted therein and it is argued by learned State counsel assisted by learned counsel for the complainant that there are specific and serious allegations against the petitioner who was not only named in the FIR but specific overt act of firing a shot with a firearm thereby killing Ranjit Singh has been attributed to him. A double barrel gun was got recovered by him. Chances of the petitioner's recovering some other weapon instead of the one which had been actually used by him at the occurrence could not be ruled out. The complainant and her sworn deposition has attributed specific acts of

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the petitioner. Keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

7. I have heard learned counsel for the parties at considerable length and have gone through the record.

8. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, is alleged to have intercepted the victims Veer Singh ad Ranjit Singh, caused fire arms injuries to them and caused their death. As per the allegations, he had fired shots thereby hitting Ranjit Singh which resulted in his death. The fact that the recovered bullet, as per the FSL report had not fired from a double barrel gun cannot be stated to be a circumstance for extending benefit of bail to the petitioner at this stage as it is for the trial Court to decide this fact on thorough evaluation of the evidence to be produced during the trial. Keeping in view the gravity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits thereof, it is held that the petition does not deserve to be allowed. Hence, the same is dismissed.

18.10.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No