



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

CRM-M-41143-2024
Date of decision: October 16th, 2024

Pardeep Kumar
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Manjinder Singh Saini, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

Mr. Sarbjit Singh, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case FIR No.132 dated 13.11.2023 under Sections 302, 307, 160, 323, 324, 148, 149, 212, 216, 120-B of the IPC and Sections 25, 27 of the Arms Act registered at Police Station D Division, Amritsar.

2. Short reply by way of affidavit of Assistant Commissioner of Police, Central, Amritsar, has been filed in Court, which is taken on record.

3. Learned counsel for the petitioner has drawn the attention of this Court to the FIR, which has been annexed as Annexure P-1 and stands reproduced hereinunder:-

"Today, myself INSP/SHO Police Station D Division, Amritsar City alongwith C-Harjot Singh 1332, C-Sagardeep Singh 482, riding on Government vehicle in

connection with patrolling duty and in search of bad persons also carrying laptop, printer were present at Lahori Gate where INSP Surinder Mohan 2160, SI Jagtar Singh 2973, ASI Pal Singh 561, ASI Charan Singh 1939, ASI Sudesh Kumar 2257, HC Dilbag Singh 4165, HC Gurjant Singh 1705, HC Sukhchain Singh 1242 came present. Where on dated 12/13.11.2023 time about 02:00 hrs that one special informer came present before me and gave information that at Katra Dule Gali Chahwali, Amritsar Group No. 1 Rohit @ Kalu s/o Ravinder Kumar, R/o Gali Chah Wali, Katra Dule, Nitin @ Ashu s/o Raj Kamal R/o Gali Chah Wali, Nishu s/o Raj Kamal R/o Gali Chah Wali, Vikas Khanna s/o Banke Lal R/o Gali Fulanwali, Katra Dule Beri Gate, Simranjit Singh @ Semi s/o Pritpal Singh, R/o Golden Gate, Amritsar, Pramod Kumar @ Ladi and his brother Vicky sons of Nand Lal R/o Lal Quarter, Gillwall Gate, Amritsar, Arjun Ubey s/o Rakesh Kumar R/o Dhab Khatikan, Amritsar, Mukul Bawa Ro Ahuja Anop, Near Chawla Chicken, Near Sweet Amritsar Amit Chopra s/o Mahesi Jhakhal Road, Amritsar, Navneet Singh & Shera s/o Manjit Singh R/o Fateh Singh Colony, Amritsar, Petha R/o Loon Mandi, Amritsar, Bahman Patti, Cheenu and Deepu residents of Amritsar and about 3- 4 more unknown persons and persons of group no.2 Shamsher Singh Shera Gargaj Singh R/o village Bhaina Gillan, Amritsar, Ramandeep Singh Deep s/o Ranjit Singh, R/o Kotla Tarkhana, P.S. Kathu Nangal. Amritsar, Manpreet Singh & Mannu s/o Jasbir Singh R/o village Bal Kalan P.S. Kamboh, District Amritsar, Arshdeep Singh s/o Jaspal Singh R/o Villalge Pandori Waraich, Amritsar, Hira Singh s/o Swinder Singh R/o Guru Wadali, Amritsar and Arun Kumar s/o Vishwa Mitter R/o village Pandori Warraich P.S. Kamboh-ki, Amritsar and 5-6 unknown persons accompanying them are fighting due to their some old enmity and openly by fighting themselves, they

are disturbing peace of general public. They are also carrying dread weapons and during fight, they fired about 20-25 cartridges and some persons of both the groups also got injured in this fight. On this, myself Inspector alongwith follow officials reached on the spot at Katre Dule where wo, saw that dead-body of one unknown person was Lying in the street and two persons have been injured and after their verification, we came to know that name of the dead person is Arun Kumar s/o Vishwa Mittar, R/o village Pandori Warraich, P.S. Kamboj, Amritsar and injured persons are Ramandeep Singh & Deep s/o Ranjit Singh, Rio Kotla Tarkhana P.S. Kathu Nangal, Amritsar and Manpreet Singh @ Mannu s/o Jasbir Singh, R/o village Ball Kalan, P.S. Kamboh District Amritsar. That after completion of map of condition of the dead person Arun Kumar, the dead body was sent for depositing in the mortuary of Civil Hospital, Amritsar, Inspector Surinder Mohan alongwith ASI Charan Singh 1939, HC Gurjan Singh 1705 arranged vehicle. Both the injured persons Were admitted Hospital, Amritsar by in Sri Guru Nanak Dev myself Inspector for treatment. That these persons got injured due to bullet firing. No witness was found present on the spot. During the fighting of both the groups, bullets were fired with different dreaded weapons. Due to old enmity of the groups, this attack was made on each other. That in this fight, Arun Kumar s/o Vishwa Mittar R/o village Pandori Warraich P.5. Kambo), Amritsar died and Ramandeep Singh Deer s/o Ranjit Singh Rio Kotla Tarkhana, P.S. Kathunangal, Amritsar and Manpreet Singh 8 Monu ayo Jabir Singh R/o village Ball Kalan, P.S. Kamboh District Amritsar got injured. Nobody is prepared to record statement regarding thin Incident. Meanwhile offence u/s 302, 307, 160, 323, 148, 149 IPC, 25/27-54-59 Arms Act is made out. That ruga was written and sent to the police station by hand through HC Dilbag

Singh 4165 and after registration of case, FIR No. may be informed.”

4. It has been argued by the learned counsel that a perusal of the above reproduced extract of the FIR leaves no manner of doubt that it was a sudden clash, which erupted between two groups of people on intervening night of 12/13.11.2023. In the occurrence in question, one person lost his life and two were injured from the opposite side, whereas some persons from the side of the petitioner also sustained injuries in the alleged occurrence. Learned counsel submits that a further perusal of the FIR clearly reveals that the petitioner was not named neither was he alleged to be present in the vicinity of the occurrence. Learned counsel for the petitioner submits that the petitioner came to be nominated as an accused subsequently on the basis of a disclosure statement suffered by co-accused Simranjit Singh, who stated that after the occurrence in question, the petitioner had given shelter to the accused and provided them with a vehicle. Learned counsel submits that in the circumstances, it was evident that the petitioner was innocent and had no role to play in the crime in question, more so when it was not a premeditated attack but a sudden quarrel between two groups of people. Learned counsel has further submitted that the petitioner has now been in custody since 19.12.2023 and challan stands presented qua him. Hence, in the aforementioned facts and circumstances, his further incarceration would serve no useful purpose.

5. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not disputed

the custody period of the petitioner as well as the stage of trial. It has also not been disputed that the petitioner was not present when the alleged occurrence took place nor was it the case of the prosecution that he had in any manner conspired to give effect to the crime in question. Further, learned State counsel has submitted that on being arrested, accused Simranjit Sing had categorically stated that after the occurrence in question, the accused had been given shelter by the petitioner and had also been provided with a vehicle. Furthermore, the vehicle on which the accused fled away from the scene of crime, was also recovered from the petitioner. Learned State counsel has, further, brought to the notice of this Court that the petitioner has previous criminal antecedents as he is involved in 17 other criminal cases.

6. On a pointed query, learned State counsel has conceded that other than this, no other role much less any injury has been attributed to the petitioner.

7. I have heard learned counsel for the parties and perused the material placed on record.

8. The petitioner has been in custody since 19.12.2023. Challan already stands presented qua the petitioner. Although the petitioner is involved in a number of other criminal cases, however, as not disputed, in the present case, neither was the petitioner present at the spot nor any injury has been attributed to him. His role even as per the prosecution is of having given shelter to the co-accused after the crime in question had taken place and the accused had fled away from the

spot. The trial would take considerable time to conclude as none of the 42 witnesses have been examined so far.

9. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail 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.

10. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

October 16th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No