

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41234-2024
Reserved on: 13.11.2024
Pronounced on: 26.11.2024

Gurwinder Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sanjay Gupta, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
14	19.03.2023	Aur, District SBS Nagar	307 IPC (Section 302 IPC added later on)

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 of the Code of Criminal Procedure, 1973, seeking regular bail.
2. In paragraph 8 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the short reply filed by the State, which reads as follows:

“3. That it is respectfully submitted that the present FIR has been registered on the statement of SI Surinder Pal singh No.09/SBSN son of Atma Singh, resident of Village Gogo PS Garhshankar, District Hoshiarpur, posted at Police Station Aur, District SBS Nagar, wherein he stated that on 18.03.2023, he along with other police officials comprising ASI Major Ram, ASI Kuldeep Singh and S/Ct. Rajesh Kumar in a private car were on duty and present at G.T road, village Khurda, District SBS Nagar to hold the Nakabandi. SI- Surinder Singh further stated in his statement that at about 8 pm after barricading the main road at village Khurda, they were checking the vehicles. They make indication to the Indigo Car bearing No.PB-31- J-0715 to stop, upon which, the driver of the said car firstly slow down the car but when he came near the Nakabandi then, he hit his car against the barricades, thereby causing injuries to complainant and his co-officials, upon which the complainant suffered injury on his left foot and leg and he also suffered other injuries and

then with intention to kill the police officials, ran over his car upon ASI Kuldeep Singh and IC Rajesh Kumar. Consequently, they also suffered injuries on their head and other body parts. The complainant- SI Surinder Singh and ASI Major Ram tried to look after the injured official and then in the meantime the driver of the offending car after leaving the car there, escaped from the spot. XXXXXXXX On 20.03.2023, S/Ct. Rajesh Kumar, during his treatment with regard to the injuries suffered on 18.03.2023, died at Raja Hospital, Nawanshahr. So vide DDR No. 26 dated 20.03.2023 offence under Section 302 IPC was added. The post-mortem of the dead body of S/Ct. Rajesh Kumar got conducted. On 21.03.2023, Sukhwinder Singh, son of Satnam Singh, r/o village Malla Bediyan produced the RC and insurance of offending vehicle and driving license of the petitioner. All these documents were got verified.”

4. 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.
5. The State's counsel opposes bail and refers to the short reply.
6. It would be appropriate to refer to the statement of PW-1 Surinder Singh during the trial, which reads as follows:

“PW-1 ON SA:

SI Surinder Singh son of S.Atma Singh, resident of Village Gogo, P.S.Garhshankar, District Hoshiarpur.

Stated that I am posted as SHO in P.S.Pojewal, District SBS Nagar. On 18.03.2023, I was posted as Sub-Inspector in P.S.Aur. On that day, I along with ASI Major Ram no.171/SBSN, ASI Kuldeep Singh No.559/SBSN and HC Rajesh Kumar No.887/SBSN were on private vehicle. At about 08:00 p.m., we laid Naka at Khurdan Gate for checking and when we were checking the vehicles, then at about 08:15 p.m., one car bearing no.PB-31-J-0715 Mark: Indico of white colour was seen coming from Phillaur side which was being driven by accused, present in the court. I signalled the driver of that car to stop upon which the accused slowed down his car and suddenly, accelerated the vehicle and hit the same firstly in the barricade and then ran over his car on the police officials present at the Naka with intention to kill them. Due to this, ASI Kuldeep Singh no.559/SBSN and HC Rajesh Kumar no.887/SBSN received serious injuries on their body. I also received serious injuries on my left leg and left foot. I and ASI Major Ram started taking care of my above said injured officials. In the meantime, accused present in the court, ran away from the spot by leaving behind the car. ASI Major Ram got admitted injured ASI Kuldeep Singh, HC Rajesh Kumar at Civil Hospital, Nawanshahr. I also got my first-aid from the Civil Hospital. After that, keeping in view the condition of ASI Kuldeep Singh and HC Rajesh Kumar being serious in nature, they were referred to IVY Hospital, Nawanshahr.”

7. There is evidence of the petitioner accelerating the car, thereby crushing the police officials.

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. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

9. The petitioner's custody of around one year and eight months cannot be termed prolonged, given the minimum sentence prescribed for the offense, which is 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.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

26.11.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.