

**CRM-M-49109-2024****-1-****222 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-49109-2024****Date of Decision: 04.10.2024****BANWARI****... PETITIONER****VS.****STATE OF PUNJAB****.. RESPONDENT****CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Kunal Muthreja, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

***********MANJARI NEHRU KAUL, J.(ORAL)**

The petitioner is seeking regular bail in the case bearing FIR No.38 dated 28.02.2024 under Sections 307/353/186/34 IPC read with Section 25 of the Arms Act (Sections 54 and 59 of the Arms Act were added later on), registered at Police Station Balongi, Punjab.

Custody certificate has been placed on record.

Learned counsel submits that a false and fabricated case has been planted upon the petitioner. No injury much less inviting the mischief of an offence under Section 307 of the IPC has been attributed to the petitioner. It has been asserted that in-fact the petitioner had sustained an injury on his left leg during the alleged occurrence which further hints towards a concocted version having been brought forth by the prosecution. Learned counsel has submitted that since the challan stands presented in the present case, further incarceration of the petitioner would serve no useful purpose as charges have not yet been



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framed coupled with the facts that 20 witnesses have been cited by the prosecution, as a result of which, trial would take considerable time to conclude.

Learned State counsel has vehemently opposed the prayer and submissions made by learned counsel opposite by reiterated the allegations levelled in the FIR which stands reproduced here-in-under:-

*"Statement of SI Amandeep Verma No.813/SAS Nagar, posted at Special Cell Phase-7, Mohali, District SAS Nagar Mobile No.98787-84525. Stated that today I am posted as an investigation officer at Special Cell Phase-7 Mohali District S.A.S Nagar. Today, I SI under the supervision of Shri Gursher Singh Sandhu DSP Special Branch Mohali along with Inspector Shiv Kumar and police party riding on government and private vehicles were present in the area of Chapparchiri then I, SI got information that on 11.02.2024 three shooters had opened up firing at Mahalpur District Hoshiarpur amongst those three shooters, two shooters out of them the name of one shooter is **Banwari Pal** son of Mahesh Pal resident of Kurra, Chitarpur District, Agra U.P and the name of the other person is not known and both these persons riding on a without number motorcycle Splendor brand, are doing recce to kill a Singer whose age is around 20 to 25 years and they have illegal pistol and are roaming in the area of Chapparchiri. The police party which was going towards Fateh Burj from village Chapparchiri in search of them, the time would be around 6:30 PM that two youngmen riding on without number motorcycle were seen coming from behind the Fateh Burj, on seeing the police party they suddenly started trying to turn their motorcycle back side, and when the police party tried to stop their motorcycle, the person sitting on the rear seat of the motorcycle started firing on the police party with the intention of killing them, on which DSP Shri Gursher Singh Sandhu and Inspector Shiv Kumar also retaliated in their defence and in order to stop the them. The motorcycle along with the said persons fell there and when they got up and started running away, then the youngman sitting behind fell on the road nearby, who had received a bullet on his left leg fell down and the pistol held in his*



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*hand also fell there. The young man who was driving the motorcycle while opening up firing on a police party going on foot ran away towards the bushes/sarkanda (Reeds). When I, SI, after apprehending the injured youth and asked his name, then he told his name as **Banwari Pal** son of Mahesh Pal resident of Kurra Chitarpur District Agra UP. These persons have attacked the police party with illegal weapons with the intention to kill them and have also obstructed official duty. Legal action should be taken against the abovesaid persons.”*

Learned State counsel has submitted that perusal of the above reproduced FIR reveals that the petitioner was not only named and identified by the police party at the spot, but he was apprehended by the police after he tried to flee away from the spot and the police tried to intercept the petitioner by firing towards the accused including the petitioner. It has been submitted that the petitioner and the co-accused were sharp shooters who, at the relevant time, were carrying out a *recce* to kill some singer; they were roaming around in the area with firearms on their person. It has also been brought to the notice of this Court that the petitioner has previous criminal antecedents. He is involved in one FIR No.17 dated 11.02.2024 under Sections 386/307/506/120-B IPC and Sections 25(6)/27/54/59 of the Arms Act registered at Police Station Mahilpur.

I have heard learned counsel for the parties and perused the relevant material placed on record including the allegations levelled in the FIR in question.

Prima facie, there are serious and specific allegations levelled against the petitioner who comes across as a habitual offender. In the facts



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and circumstances and the role attributed to the petitioner in the crime in question, he does not deserve the concession of bail.

In view of the above, the present petition stands dismissed. 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.

04.10.2024
smriti

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No