

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

I. CRM-M-53833-2023
Sanjeet @ Bhagat SinghPetitioner
Vs.
State of HaryanaRespondent

II. CRM-M-53955-2023
Baljinder SinghPetitioner
Vs.
State of HaryanaRespondent

Reserved On: 01.02.2024
Pronounced On: 06.02.2024

CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Ashish Sindher, Advocate
for the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

DEEPAK GUPTA, J.

In both the petitions titled above, filed under Section 439 Cr.P.C., the petitioners have prayed for their release on regular bail in a case arising out of FIR No.615 dated 08.07.2022 registered under Sections 307, 202, 201, 120-B, 180, 384 34 IPC and Sections 25 (Act N: 54) of Arms Act, 1959 registered at Police Station Assandh, District Karnal.

2.1 As per allegations, on 08.07.2022, Dr. Sandeep Jaglan along with Dr. Meenakshi were busy in treating patients in their hospital by the name of Meenakshi Hospital, Assandh, when all of a sudden, three unknown persons came on a motor-cycle make Bullet, without any registration number. All of

them were with muffled faces. After stopping at the main gate of the hospital, one of them started firing gun shots from outside the hospital, whereas other came inside the hospital and started firing. Dr. Sandeep and Dr. Meenakshi managed to save themselves. After continuously firing 10-12 rounds, the assailants went away. On the complaint of Dr. Sandeep, FIR was registered.

2.2 During investigation, FSL team was called at the spot, which collected samples of the earth, the piece of bullets and 14 empty cartridges from the spot. Pen Drive containing CCTV footage of the hospital was taken into possession. Accused ***Baljinder Singh (petitioner in CRM-M-53955-2023), Harman Singh, Dalvinder Singh @ Neeta and Ombir Singh*** were arrested on 12.07.2022, who suffered disclosure statements admitting their involvement in the crime. Motor-cycle of bullet make without registration number besides another motor-cycle and mobile phone used in the occurrence were recovered at the instance of Baljinder Singh. Another mobile phone was recovered from Ombir. Later on, ***Mahipal Meena and Sonu Sharma*** were joined in the investigation on 14.07.2022, who admitted their involvement in the crime. It was disclosed by Mahipal Meena that master mind of the entire occurrence was one ***Daler Kotia*** residing in USA, who had made a WhatsApp call to him informing that he had given effect to a firing incident in the private hospital at Assandh resulting in spreading of his terror in the area. Said Daler Kotia sent a photograph and message to him, asking him to upload the same on his facebook ID. In order to spread terror of Daler Kotia in the area, Mahipal Meena had uploaded the post on his Face Book ID, so as to create terror in the public. He had later on thrown away that mobile to destroy the evidence.

2.3 Accused ***Bhagat Singh alias Bhagtu*** was joined in the investigation on 18.07.2022, who disclosed the names of ***Mohit*** and ***Sobhit***, who were given shelter by him on the night of 07.07.2022. Said Bhagat Singh alias Bhagtu further disclosed that Sonu resident of Bidhana, Mohit and Sobhit had come at the instance of Daler Kotia and that he (Bhagat Singh alias Bhagtu) had provided shelter to them. Mohit and Sobhit who were already in custody in some other case, were joined in the investigation in this case and arrested on 26.07.2022. They admitted their involvement in the crime. Later on, ***Sahil Dahiya, Sandeep @ Timepass*** and ***Kaushal Chaudhary*** were arrested from time to time. On 24.08.2022, ***Akash Rajput*** (petitioner in CRM-M-35276 of 2023) was arrested in the case, who got recovered an illegal pistol and two live cartridges from Gohana and also demarcated the place of incident.

2.4 It came to light during investigation that main accused Daler Kotia, who had already been declared proclaimed offender in another case, had fled to America through illegal way, from where he demanded ransom of ₹20 lakhs from Dr. Sandeep, proprietor of Meenakshi Hospital, regarding which FIR No.407 dated 26.06.2021 was registered at Police Station Assandh and as the ransom was not paid, he had managed to cause the incident of 08.07.2022.

2.5 On 08.09.2022, co-accused ***Ajay @ Kali*** was arrested. During interrogation, he suffered disclosure statement admitting his involvement in crime. He further informed that prior to the incident, he had been contacted by co-accused ***Sanjeet @ Bhagat Singh (petitioner in CRM-M-53833-2023)*** informing him of the criminal conspiracy. Another co-accused ***Tejinder Pal*** was arrested on 31.10.2022.

2.6 *Sanjeet @ Bhagat Singh @ Ajay (petitioner in CRM-M-53833-2023)* was arrested on 02.11.2022. On interrogation, he suffered disclosure statement, as per which the weapon used by him in the crime had been thrown by him along with a bag into the Yamuna river and so, Section 201 of the IPC was added. After completion of investigation challan was filed against the arrested accused.

3. It is contended on behalf of petitioner Baljinder Singh that he is not named in the FIR; that he is not involved in the case and has been implicated on the basis of disclosure statement of co-accused; that 06 of the co-accused have already been allowed bail by this Court by way of different orders vide Annexures P-2 to P-4; that he has been arrested with the aid of Section 120-B of the IPC, which is a matter of trial; that he is in custody for the last more than one year; that trial may take long time to conclude and so, he be allowed bail.

4. It is contended on behalf of petitioner Sanjeet @ Bhagat Singh that he is not named in the FIR nor any overt act is attributed to him; that he has been implicated on the basis of CCTV footage, in which three persons with muffled faces are seeing to have come to the spot, out of which two of them Mohit and Sobhit started firing. Petitioner also pleaded about the bail granted to the co-accused; that he is in custody for the last more than 01 year and 06 months; that trial may take time to conclude and so, he be allowed bail.

5.1 Learned State counsel has opposed both the petitions, by drawing distinction between the role of the petitioners and that of the co-accused, who have been allowed bail so as to urge that petitioners cannot claim parity.

Learned State counsel points out that as far as petitioner Baljinder is concerned, he has been arrested on the basis of CCTV footage, along with co-accused Harman Singh, Dalvinder Singh @ Neeta and Ombir Singh. Not only this, the incriminating material including the motorcycle bearing registration No.HR-40G-7446, mobile phone of Samsung Galaxy and clothes worn during the occurrence have been recovered at the instance of petitioner Baljinder.

5.2 Learned State counsel further pointed out towards the role of petitioner Sanjeet @ Bhagat Singh, as emerged during the investigation and contends that this petitioner had supplied weapons to the sharp shooters in furtherance of the criminal conspiracy, knowing fully that those sharp shooters had to carry out the firing incidents. Not only this, after the firing incident, the two sharp shooters again met the petitioner Sanjeet @ Bhagat Singh, who gave the weapons back to him and then petitioner threw them in river to destroy the evidence. Learned State counsel submits that the circumstances clearly indicate that petitioner was very much part of criminal conspiracy, of which firing incident was a part.

5.3 Learned State counsel has also drawn attention towards the fact that material witnesses are yet to be examined and that in case, any of these petitioners is allowed bail, they may threaten the witnesses. Attention is also drawn towards criminal antecedents of both the petitioners. With all these submissions prayer is made for rejecting the petitions.

6. I have considered submissions of both the sides and have perused the record carefully.

7. As the order dated 07.10.2023 passed by this Court in CRM-M-

35276-2023 & CRM-M-39029-2023 (O&M), whereby co-accused Akash Rajput and Bhagat Singh @ Bhagtu were allowed bail, would reveal that the role duly attributed to co-accused Bhagat Singh @ Bhagtu was to provide shelter to co-accused, whereas co-accused Akash Rajput was attributed to have hired the sharp shooters. It is further noticed that co-accused Sahil, Mahipal Meena & Sonu Sharma who have been allowed bail by a co-ordinate Bench of this Court, their role was also to the extent of bringing the sharp shooters or to upload the post on the Facebook ID.

8. On the other hand, the role of the petitioners in the crime of this case is quite different, as has been pointed out by learned State counsel. Petitioner Baljinder Singh was present at the spot and was arrested on the basis of CCTV footage. Incriminating material has also been recovered from him. Petitioner Sanjeet @ Bhagat Singh not only arranged the weapons for the sharp shooters but after the crime was committed, he took those weapons from the sharp shooters and destroyed the same. He was also part of conspiracy as per the evidence collected during investigation. Besides, petitioner Sanjeet @ Bhagat Singh is also involved in numerous other cases including murder and attempt to murder case, as is evident from the custody certificate placed on record. In these circumstances, none of the petitioners can claim the benefit of parity on account of the co-accused having been allowed bail. In case, petitioners are allowed bail, they may try to win over the witnesses by threatening them.

9. Having regard to the aforesaid discussion and the role attributed to the petitioners as have been discussed above, but without commenting

anything further on the merits of the case, this Court is not inclined to grant bail to any of the petitioners.

As such, both the petitions are hereby dismissed.

(DEEPAK GUPTA)
JUDGE

February 06, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No