

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.57509 of 2023

Date of decision: 7th February, 2024

Harpreet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. L.S. Lakhanpal, Advocate for the petitioner.

Mr. Arun Luthra, Dy. Advocate General, Punjab
for the respondent/State.

Mr. Sandeep S. Majithia, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.302 dated 25.09.2023 under Sections 302/307 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act, 1959, registered at Police Station Division "B", District Police Commissionerate Amritsar.

2. On the last date of hearing, i.e. 15.11.2023, while noticing the following submissions made by learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

"Learned counsel appearing for the petitioner, while drawing the attention of this Court to the FIR in question, which has been annexed as Annexure P-1, submits that a

perusal of the allegations levelled therein clearly reveal that it is a case resting on eyewitness account; on 24.09.2023, when the complainant along with her husband Daljit Singh, son Gauravpreet Singh, daughter Simarpreet Kaur and son-in-law Manjot, were having dinner at a hotel, her son-in-law received a call from his father accused-Harjit Singh asking him about his whereabouts; a little later, accused-Harjit Singh landed at the hotel and there was a verbal altercation between accused-Harjit Singh and the complainant party; even though the complainant party tried to pacify accused-Harjit Singh, however, it proved in vain, and he went away after extending threats of dire consequences to the complainant and her family; the husband of the complainant thereafter telephonically informed the brother of accused- Harjit Singh namely Harwinder Singh about the behaviour of his brother i.e. Harjit Singh. The complainant party then went to the house of Arwinder Singh, where again Harjit Singh landed and started shouting at the complainant party in a loud voice, even though he was tried to be counselled, however, yet again it proved to be in vain. Learned counsel has submitted that the FIR, which had been lodged promptly by the complainant, who was eyewitness to the occurrence in question, she categorically stated that it was only Harjit Singh, who had come to the spot armed with a pistol and fired from his firearm at her husband and had fatally injured her son Gauravpreet Singh; there was no whisper about the presence of any other person much less the petitioner along with Harjit Singh nor was there any allegation levelled that the petitioner or for that matter, any other person had instigated Harjit Singh to fire from the

pistol at Daljit Singh or Gauravpreet Singh. Learned counsel has submitted that two days later after the occurrence in question, the complainant had made a supplementary statement and named the petitioner as being one of the assailants, who too had participated in the crime in question. Learned counsel submits that it leaves no manner of doubt that a false and fabricated case has been planted upon the petitioner and that the complainant has tried to involve the entire family of the complainant for reasons but obvious. It has also been submitted that there were CCTV cameras installed in the house of Arwinder Singh i.e. at the place of occurrence, however, the presence of the petitioner was not reflected in the CCTV cameras, which further lent credence to his false implication in the case in hand.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 15.11.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. However, learned counsel appearing on behalf of the complainant has submitted that factually incorrect submissions were made by the learned counsel for the petitioner qua he having no role to

play in the occurrence in question, as there was enough documentary evidence to show that he too was a conspirator to the crime in question.

6. On a pointed query put to the learned State counsel as to whether there was any documentary evidence or if there were any allegations leveled in the FIR that the petitioner at the time of alleged occurrence had instigated the main accused, or even provided the weapon of offence with which the deceased were gunned down, he, on instructions, has replied in the negative and has stated that only his presence at the time of alleged occurrence had been shown and that too, in the supplementary statement suffered by the complainant on 27.07.2023 i.e. after two days of the alleged occurrence.

7. In the circumstances, the petition is allowed and the interim order dated 15.11.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. 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 bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

February 7, 2024
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No