

CRM-M-60124-2023

-1-

(222)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-60124-2023

Date of decision :19.04.2024

GURWINDER SINGH @ GURI & ANOTHER

... Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. S.S. Khaira, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 of Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.285 dated 05.10.2023 registered under Sections 379B(2), 511, 148, 149 IPC and Sections 25, 27 of Arms Act at Police Station Sadar Amritsar, District Police Commissionerate Amritsar.

2. The present FIR came to be registered at the instance of Swaraj Singh son of Jaswinder Singh and the same reads as under:-

“Statement of Swaraj Singh S/o Jaswinder Singh R/o Moni Chowk near Shahida Sahib Gurdwara Gali Natha Singh Amritsar 99140-85418 stated that I am resident of above mentioned address in the intervening night of dated 04-10-2023, 05-10-2023 time around 1.00 AM I along with my friends was going towards Majitha road passing from golden gate Amritsar and bridge below verka dairy Jeetha road through local road on our vehicles then when we reached Majitha road bypass 100 metres before the road leading to stalwart school

then from behind us five persons riding one bullet motorcycle red color and one activa whose faces were covered and had hair cut 2 persons were riding bullet and on activa color grey metallic were 3 persons they came and they encircled us from front and started threatening us whatever you have take it out otherwise we will kill you we fought with them then 2 persons from them started firing from which one shot hit shoe of my left foot and blood vozed out of my foot and then they shot 4-5 fires and one shot hit my friend Lovepreet Singh in the thigh and one bullet hit his stomach In this way above unknown persons did very wrong with us and attacked us with the intention to kill us and do snatching Action be taken against them after finding them Sd/- Sawraj Singh.”

3. During the course of the investigation, petitioner No.1-Gurwinder Singh @ Guri and petitioner No.2-Ravinder Singh @ Pawan both sons of Ajit Singh were arrested on 06.10.2023 and the vehicles used during the time of the assault were recovered from their possession. One of the vehicles stood in the name of Rachna Gill wife of petitioner No.1-Gurwinder Singh @ Guri. The petitioners were got identified by the complainant and his companions through photographs obtained from the CCTV cameras.

Based on their disclosure statements, one Karan Tinda was nominated as an accused. However, Karan Tinda and his two unknown companions are still absconding.

4. The learned counsel for the petitioner contends that the petitioners have been falsely implicated in the present case. There was no mention of the articles or goods which were sought to be snatched

which makes the prosecution case doubtful. It was improbable that someone would fire gunshots in a snatching attempt. In fact, a false story had been coined up in a case which was essentially a dispute between two rivals groups. As the petitioners were in custody since 06.10.2023 but none of the 24 witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime and therefore, they were entitled to the concession of bail.

5. A short reply dated 18.04.2024 by way of an affidavit of Varinder Singh Khosa, PPS, Asstt. Commissioner of Police North, Amritsar has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that the allegations against the petitioners and their co-accused were grave. Multiple persons from the complainant party were injured in the occurrence. The co-accused of the petitioners were yet to be arrested along with the weapons used in the occurrence. Looking at the nature of the allegations against the petitioners and their co-accused, they were not entitled to the concession. He, however, concedes that the petitioners were in custody since 06.10.2023 and that none of the 24 witnesses had been examined so far.

6. I have heard the learned counsel for the parties.

7. A perusal of the FIR would reveal that the accused persons riding on different vehicles shot at the complainant and his companions. The allegations are indeed extremely grave. The co-accused of the petitioners are yet to be arrested and the weapon of offence are still to be recovered. Merely because the petitioners have been incarcerated since

CRM-M-60124-2023

-4-

06.10.2023 would not entitle them to the grant of bail in view of the nature of the allegations and the attending circumstances.

8. In view of the above discussion, the present petition for the grant of regular bail stands dismissed.

9. However, the observations made hereinabove are only for the purposes of deciding this bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made herein.

(JASJIT SINGH BEDI)
JUDGE

19.04.2024
JITESH