



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

234

CRM-M-56992-2024

Date of decision: 25.11.2024

Deepak

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.132 dated 13.11.2023 under Sections 302/307/160/323/324/148/149 of the IPC read with Sections 25/27 of the Arms Act, 1959 (Sections 212/216/120-B, 201, 473 of the IPC added lateron) registered at Police Station D Division, Amritsar.

2. In compliance of order dated 18.11.2024, status report by way of affidavit of Jaspal Singh, PPS, Assistant Commissioner of Police, Central, Amritsar, has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case for allegedly being involved in a violent clash involving two groups. While drawing

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the attention of this Court to FIR annexed as Annexure P-1, learned counsel submits that his false implication in the case in hand finds credence from the fact that the petitioner was neither named in the FIR nor present at the spot of occurrence, and even otherwise no specific role or overt act has been attributed to him. It has also been submitted that the petitioner came to be nominated as an accused only on the disclosure statement of co-accused Amit Chopra, from whom recovery of a firearm was affected; the evidentiary value of such a statement is weak in nature.

4. Learned counsel for the petitioner further submits that several co-accused with similar or identical roles have already been granted bail by this Court, including Amit Chopra, who was implicated on the basis of similar disclosure statements. In his support, learned counsel has drawn the attention of this Court to Annexure P-2.

5. *Per contra*, learned State Counsel, on instructions, has vehemently opposed the prayer and submissions made by counsel opposite. It is contended that there are serious allegations against the petitioner, who actively participated in the incident along with the other co-accused in which one person, Arun Kumar, lost his life and two others, Ramandeep Singh and Manpreet Singh, sustained gunshot injuries. The petitioner was allegedly armed with a pistol and is accused of firing gunshots during the altercation. Learned State counsel has further submitted that during the course of investigation, the name of the petitioner, Deepak @ Deepu, surfaced in the disclosure statements of co-accused, including Sagar Hans @ Cheenu, Sahil Mehra @ Petha,

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Nitin Sharma @ Nitin Ashu, Simranjit Singh @ Samy, Parmod Kumar @ Laddi, and Varun Kumar @ Varun Light. It has been submitted that the petitioner has been absconding since the registration of the FIR and has deliberately concealed himself to evade arrest. Additionally, the learned State counsel argues that the petitioner cannot claim parity with co-accused Bunty, as the latter was granted regular bail, whereas the petitioner is seeking anticipatory bail. It has been emphasized that the legal parameters for granting anticipatory bail are distinct and not identical to those applicable in cases of regular bail. Learned State counsel submits that the custodial interrogation of the petitioner is crucial for the recovery of the weapon of offence, which remains untraced, and furthermore, arrest warrants for the petitioner and other co-accused have already been obtained from the Illaqa Magistrate to ensure a fair and thorough investigation.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. *Prime facie*, there are serious allegations against the petitioner of having not only participated in the occurrence in question but also having fired from his firearm, in which one person lost his life. Still further, as apprised by the learned State counsel, the custodial interrogation of the petitioner is required by the investigating agency in order to complete investigation. In view of the serious allegations levelled against the petitioner, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to him. Accordingly, the instant petition is hereby dismissed.



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8. 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.

25.11.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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