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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

Date of decision : 22.02.2024

1.

CRM-M-62283-2023 (O&M)

Naveen Kumar Sharma

..... Petitioner
- versus
- State of Punjab

..... Respondent
2.

CRM-M-2605-2024 (O&M)

Manjit Singh @ Billa

..... Petitioner
- versus
- State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Shiv Kumar Sharma, Advocate and
Ms. Tejaswini, Advocate
for the petitioner in CRM-M-62283-2023.

Mr. Satvinder Singh, Advocate for
Mr. L.M. Gulati, Advocate
for the petitioner in CRM-M-2605-2024.

Mr. Jasjit Singh, DAG, Punjab.

Mr. Puneet Sharma, Advocate
for the complainant.

PANKAJ JAIN, J. (Oral)

1.

Present petitions have been filed under Section 439 Cr.P.C.
for grant of regular bail to the petitioners in case bearing FIR No.09
dated 08.01.2023, registered for the offences punishable under Sections
307 and 34 of IPC, Section 25 of Arms Act, 1959 and Sections 302,
120-B of IPC, Sections 54 and 59 Arms Act, 1959 (added later on) at
Police Station Kharar, District SAS Nagar.
2.

FIR was registered on the information supplied by one
Khushwant Rai, who alleged as under:-

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“Statement of Khushwant Rai son of Late Tarsem Singh Rai resident of House of No.1129, Satte Majra Colony, Police Station City Kharar, District Sahibzada Ajit Singh Nagar aged about 25 years. Mobile No. 8360317896. Stated that I am resident of above said address and I am working as Supervisor at Municipal Council, Kharar. My father are three brother. My father was died in the year 2013. I have one uncle Tej Ram is residing in village Dhamia Kalan. My uncle Nirmal Singh was died in the year 2021. He has three daughters namely Priyanka, who is married with Khushpreet Singh son of Paramjit Singh resident of Dumanda, District Jalandhar. Nisha, who is married with Harjinder Singh son of Puran Chand resident of Khojgipur District Jalandhar and Mona is married with Harpreet Singh son of Pal Chand residents of Village Chaheru, District Jalandhar. One son Kamesh Kumar, who is unmarried. He is residing with his mother Tripta Rani in Sukh Enclave, Village Aujla. Yesterday on dated 07.01.2023, I along with Kamesh Kumar son of my uncle has gone on his car No.PB32L6127 Make Swift, Colour black to village Desu Majra to get food. The son of my uncle Kamesh Kumar was driving the car. I was sitting on the seat adjacent to him. We have booked food on a Avadh Hotel and had parked the car on the vacant place on the slip road and we were sitting in the car. It will be 11 PM in the night that three young men came behind from our car and one young men asked from me that whether you are residing local or have come from outside. I said that we are local. Then that young men went back and they all three had talked with each other. After 2/3

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minutes, one young man came near Kamesh Kumar at the driver side and fired 3/4 rounds from weapon which was caught in his hand. One fire was hit at the mouth of Kamesh Kumar, second was at head and third was hit at his right shoulder. It was bleeding from his head and shoulder. Kamesh Kumar fell down on the front seat. I was taking care of Kamesh Kumar. In the meantime, all the unidentified persons have ran away from the spot. I had put Kamesh Kumar on the back seat of the car and brought him in an injured state at Civil Hospital Phase-6, Mohali. Because, his health was serious, therefore, the doctors had referred him at PGI Chandigarh. He is getting treatment at PGI Chandigarh. Legal action may kindly be taken against the unknown persons.xxx”

3. After almost 08 days of registration of FIR, statement of Tripta Rani mother of the deceased was registered, who claimed as under:-

“xx xx xx

On dated 16.01.2023, Smt. Tripta Rani mother of Late Nirmal Singh resident of Sukh Enclave, Village Aujla came present in the Police Station and recorded her statement before S.I Bhagatvir Singh Station House Officer. The details thereof are that I am resident of above said address. I am doing domestic works. My husband Nirmal Singh has been retired from Punjab School Education Board. I have three daughters and one son. All the three daughters are married. The eldest daughter Mona is married with Harpreet Singh son of Pal Chand residents of Village

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Chaheru, Tehsil Phagwara District Kapurthala. Younger to her is Nisha Rai wife of Harjinder Singh resident of Khojgipur District Jalandhar. Younger to her is Priyanka Rail, who is married with Khushpreet Singh son of Paramjit Singh resident of Dumanda, District Jalandhar. The youngest was my son Kamesh Kumar aged about 28 years. On the mid night of 07-08.01.2023, some unknown persons had committed attack on my son Kamesh Kumar near Avadh Hotel, Desu Majra and had caused him gun shot injury. My daughter Nisha Rai is residing with her husband Harjinder Singh as well as her children, elder daughter Nimrat Kaur and son Rivansh in Italy. The marriage of my daughter Nisha Rai was solemnized in the year 2009. After 3 years of the marriage, in the year 2012, my son in law Harjinder Singh had taken daughter Nisha to Italy. My daughter Nisha Rai often used to hold talk with me through whatsapp. Harwinder Singh brother in law (Jeth) of my daughter Nisha has been retired from Army. When my daughter used to reside at her in laws house, she told me that Ranjit Singh friend of her Jeth Harjinder Singh was also serving in the Army with him. They were good friends of each other. Ranjit Singh was also very well known to her devar Jatinder Singh @ Soni. When Ranjit Singh used to visit her house, he was often accompanied with his friends Naveen Kumar resident of Begpur Kamlkoh and Manjit Singh resident of Village Kharak Badla. Ranjit Singh used to carry revolver in her waist. Quarrel was started between my daughter Nisha Rai and son in law Harjinder Singh from the year 2015. My son in law Harjinder Singh, his elder brother

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Harwinder Singh and younger brother Jatinder Singh Soni had started causing harassment to my daughter Nisha Rai. They used to say that you have proud on your brother, they will teach lesson to him. They used to give beatings to my daughter Nisha Rai. In this regard, cases were registered against them before the police of Italy. They used to put pressure on us to close these cases and given threats that they will cause loss to our family. My daughter had informed me 4/5 days prior to the gun shot injury suffered by my son Kamesh Kumar that her husband Harjinder Singh has said that you are filing cases against them and causing harassment. Therefore, they will take revenge for the same. He said that the walls of your house shall demolish and there will be pegion. There will not be anybody to look after. Today my daughter Nisha Rai informed me that her husband Harjinder Singh had come to house after 2/3 days of the gun shot injuries suffered by my son Kamesh Kumar. He has said that you were causing harassment to us. Therefore, we have got revenge by causing gun shot injuries to your brother Kamesh Kumar through their friends Ranjit Singh resident of Village Dalowal, Hoshiarpur and Naveen Kumar Sharma resident of Begpur Kamloh as well as Manjit Singh resident of Kharak Badla. My son Kamesh Kumar has been shot dead by my son in law Harjinder Singh, his elder brother Harwinder Singh and younger brother Jatinder Singh @ Soni through his friends Ranjit Singh resident of Village Dalowal, Hoshiarpur and Naveen Kumar Sharma resident of Begpur Kamloh as well as Manjit Singh resident of Kharak Badla.”xxx

4. As per the prosecution, the petitioners i.e. Naveen Kumar Sharma as well as Manjit Singh @ Billa accompanied main accused Ranjit Singh in the present occurrence. Ranjit Singh fired on the deceased and it is further claimed that all of them travelled in the car owned by Naveen Kumar Sharma.

5. Counsel for the petitioner submits that both the petitioners are behind bar for more than 01 year and 29 days and apart from the bald allegation levelled by Tripta Rani, there is no cogent evidence against the petitioners.

6. Counsel for the complainant Mr. Sharma on the other hand has submitted that though it is a blind murder, the chain of circumstances does show that the petitioners are the culprits alongwith main accused Ranjit Singh. He further submits that the cogent evidence could not be unearthed on account of shoddy investigation and for that the complainant has already before the trial Court. He has referred to order dated 03.02.2024 passed by JMIC and further to the complaint dated 27.01.2024 made by Tripta Rani to SHO Police Station Sadar Kharar. He thus submits that at the time of commission of offence Jatinder Singh on whose directions whole of this occurrence has taken place was in India and his call details hold the key.

7. Counsel for the State on the other hand submits that it is a heinous crime of murder and allegations levelled against the petitioners are serious. On being asked as to what is the evidence to show that it is a car of the petitioner-Naresh Kumar Sharma which was involved in the

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present crime, he fairly admits that the same is on the basis of confessional statement made by Naveen Kumar Sharma while in police custody.

8. After hearing rival contentions of the parties, keeping in view the allegation levelled in the FIR, the nature of evidence against them and the incarceration already suffered by them and the fact that even if the allegations are taken on its face value, the firing has been attributed to Ranjit Singh, the petitions are allowed. Petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

9. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

10. A photocopy of this order be placed on the file of other connected case.

11. Since the main petitions have been decided, pending miscellaneous applications, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

22.02.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No