

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-8886-2025 (O&M)

Date of Decision: 17.02.2025

Jarnail Singh

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Hakam Singh, Advocate for the petitioner

Mr. Jaspal Singh Guru, AAG Punjab

Sandeep Moudgil, J.

(1). This petition under Sections 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) has been filed by the petitioner seeking anticipatory bail in case FIR No.238 dated 25.10.2024 under Sections 281/106/324(4)/105/103/61(2) of Bharat Nyaya Sanhita, 2023 registered at Police Station Sadar Amritsar.

Facts

(2). Facts as emerging in the FIR are reproduced as under:-

“Statement of Joginder Singh @ Jinda S/o Late Sulakhan Singh, R/o House No.641, Gali Thekewali, Navi Abadi, Janatpura, Amritsar, aged about 65 years, mobile No.9646826107 stated that I am resident of above address and am doing the work of Milk Dairy at Faizpura. I have three children. Eldest one is Tarlochan Singh, second Onkar Singh and youngest daughter Rupinder Kaur. My eldest son Tarlochan Singh was running a shop of Doctor at Navi Abadi, Tekewali Gali, Faizpura, Amritsar. On dated 24.10.2024 at about 07:00 PM, my son Tarlochan Singh riding on his motorcycle Pulsar No.PB02-CN-6495 went from home and while going, he told his wife Priya Kumari to prepare food and I will coming back soon. After some time, I son did not come back home, then my daughter-in-law Priya Kumar called from

her mobile No.7986585799 to my son Tarlochan Singh on his mobile No.75085-98751, then phone of my son was picked by some unknown person who told my daughter-in-law Priya Kumari that he met with an accident at METRO near Khanna Paper Mill on which I, my daughter-in-law Priya Kumari and younger son Onkar Singh arranged vehicle and reached there, then my son Tarlochan Singh and with him Sahil s/o Pradeep Kumar R/o House No.3241/28, Gali Police Chowki Wali, Navi Abadi Faizpura, Rattan Singh Chowk, Amritsar and Jatinder Singh @ Jeetu s/o Jai Dev R/o House No.4/931, Near Liquor-Vend, Chand Avenue FGC Road, Amritsar were lying there and nearby them motorcycle Pulsar No.PB02-CN-6495 was lying. On the spot, my son Tarlochan Singh was taken in No.108 Ambulance at Sri Guru Nanak Dev Hospital, Amritsar where the doctor checked him on the stretcher itself and told that my son Tarlochan Singh has died. On getting the phone which my son Tarlochan Singh was having with him and on hearing its recording, I came to know that one phone call received from one mobile No. 9465109213 and my son Tarlochan Singh was called. That FIR No. 169 dated 06.10.2024 u/s 115(2), 118, 118(2), 3(5) Tartim u/s 118, 11(2) BNS P.S. Ranjit Avenue, Amritsar got registered on the statement of my son Tarlochan Singh against Sunny, Harman, Sanam and others regarding some dispute/quarrel. They were arrested by Police Station Ranjit Avenue and later on they were let off. Some incident has taken place with my son Tarlochan Singh and his associates Sahil, Jatinder Singh @ above that your compromise will be made and during this time, this incident took place. That later on I came to know that these accused were released and we are suspicious that they have committed murder. The matter may kindly be enquired...”

Submission by the petitioner

(3). Learned counsel for the petitioner contends that as per the Post Mortem Examination Report dated 26.10.2024 (Annexure P-3), reveals that the doctors concluded that the deceased's injuries were sustained before death,

caused by blunt force, and resulted in fatal hemorrhage and shock which suggests that the death was accidental.

(4). It is further averred that there is no eyewitness testimony or CCTV footage supporting the allegations against the petitioner. He further submits that notably, the Bolero vehicle (PB02-EV-1189) allegedly used in the offense was recovered from co-accused Baldev Singh and not from the petitioner as is evident from the recovery memo dated 29.10.2024 (Annexure P-4).

(5). Another argument raised on behalf of the petitioner is that all the three deceased were riding on motorcycle No.PB-02-CN-6495, in a grossly negligent and reckless manner and none of them were wearing helmets during the alleged incident, which is a clear violation of mandatory traffic safety regulations and furthermore, the motorcycle was designed for a maximum of two riders, but the deceased were riding triple-seat and the overloading had led to imbalance making the motorcycle difficult to maneuver and control, thereby contributing significantly to the unfortunate incident.

State's contention

(6). Learned State counsel, on the other hand, opposed the prayer of anticipatory bail in such a serious offence by submitting that whereas the cold blooded murder of three young persons is sought to be projected as accident case whereas the petitioner and co-accused persons have conspired to kill three persons and as such, the police deserves fair liberty to investigate the matter in such like serious offences and thus do not deserve any leniency moreso when the investigation is underway.

Analysis

(7). Upon careful consideration of the arguments presented, this court finds the allegations against the petitioner is exceptionally grave and serious involving extreme offense of murdering three individuals. Granting anticipatory bail, in such like case, would definitely hinder in prosecution to thoroughly investigate the matter. Furthermore, the prosecution has ample prima facie evidence, including statement of Baldev Singh co-accused and Tejbir Singh's statement, where it has come to fore that the petitioner and Ajay Raipuria that they have removed some person from Scorpio car No.PB-02-EV-1189 Baldev Singh co-accused was given money by the petitioner to hide the said car so that the police may not trace it. To uncover the truth, the police require free hand to conduct custodial interrogations of the petitioner and understand the modus operandi behind the offense. Under these circumstances, no compelling reason exists to grant anticipatory bail to the petitioner.

(8). In view of the above discussion, there is no merit in the present petition and the same is accordingly dismissed.

17.02.2025

V.Vishal

1. Whether speaking/reasoned?

2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No

Yes/No