



IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-33946-2024

Reserved on: 21.01.2025

Date of Decision: 22.01.2025

SUKHWINDER SINGH @ SUNNY @ TANG
Vs.

.....Petitioner

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Sandeep Kumar Bokolia, Advocate
for the petitioner.

Mr. Rajesh Sehgal, Addl. AG, Punjab assisted by
Inspector Manoj Kumar.

DEEPAK GUPTA, J.

By way of this petition filed under Section 439 Cr.P.C., petitioner prays for his release on regular bail in case FIR No.135 dated 22.06.2021 under Sections 307, 201, 511 & 160 of IPC and 25 (Act N:54 of 1959) of Arms Act, Rapat No.71 dated 23.06.2021 offence under Sections 307, 160, 148, 149, 304 & 120-B of IPC and Section 25/27 (Act N:54 of 1959) of Arms Act, registered at Police Station City Kotkapura, District Faridkot.

2. Status report has been filed.

3.1 As per the prosecution version, on 22.06.2021, local police of Police Station City Kotkapura received information about a cross firing having taken place at about 11:00 AM at Jalaleana Road, Rishi Nagar, Kotkapura between Ravel Singh @ Ravela travelling in his Innova Car No.PB-05W-1893 on one side; and unknown persons who had come in their car No.DL-7CG-1918 from the other side and that one person was lying injured at the spot having suffered bullet injury. On the basis of this information, FIR No.135 (supra) was registered against unknown persons. Spot was inspected. Empty cartridges of different weapons, vehicles, blood smeared earth showing number of rounds, were seized. On the basis of the driving license recovered from the pocket of the pants of the injured person, his name was found to be



Deepak Kumar, who was brought dead at Civil Hospital Kotkapura and so, the case was converted to Sector 302 IPC. During inspection of the dead body, 7 live cartridges of 9 mm were recovered from the pants of the deceased.

3.2 On 23.06.2021, Yashpal Singh son of Ram Kishan approached the police and identified the dead body to be of Krishan son of Ram Kishan. Autopsy was conducted. During further investigation, Ravel Singh @ Ravela was apprehended on 23.06.2021, who in his statement disclosed that on 22.06.2021, as he was coming after meeting his friend, a Corolla car came from the opposite side besides a motorcycle, which were occupied by Krishan Pal (deceased) son of Ram Kishan, Nitish @ Pardhan, Golu, Bachi, Manpreet Singh and 3-4 unknown persons, all of whom started firing indiscriminately towards him with an intention to kill him. He (Ravel Singh @ Ravela) stopped his car and fired two shots upon the assailants with his .32 bore illegal pistol in his defence. He also stated that Krishan Pal was coming towards him very fast and opened the door of his car and then ran towards the backside to save him, but the assailants even fired at their own companion i.e. Krishan Pal. He also stated that while running, magazine of his illegal weapon had fallen down, and that he had fled from the spot. On the basis of this version of Ravel Singh @ Ravela, cross case vide DDR No.71 (supra) was registered against Krishan Pal (deceased) son of Ram Kishan, Nitish @ Pardhan, Golu, Bachi, Manpreet Singh, Gurinderpal Singh @ Gora Bhau and Goldy Brar.

3.3 As per the confession of co-accused Ravail Singh @ Ravela and his demarcation, recovery of illegal pistol of .32 bore was effected at his instance. During inspection of the pistol, it was found that said co-accused had attempted to destroy the same with an intent to make evidence disappear and so, offence under Sections 201/511 of IPC were also added.

3.4 As per further prosecution version, on 25.06.2021 witness-Beant Singh was joined in the investigation and on his statement, co-accused Navjot Singh @ Jota was arrested being a facilitator in the cross case. On interrogation, said co-accused Navjot disclosed about the complicity of Sukhwinder Singh @ Tang @ Sunny (*present petitioner*) to the effect that he (*petitioner*) had arranged and provided a motorcycle to him (Navjot Singh)



on the asking of co-accused-Goldy Brar. Petitioner was arrested on 26.07.2021.

3.5 During further investigation, names of Harpreet Singh @ Bhau, Manjinder Singh @ Kaka Sekhon also emerged. Both of them have been apprehended from time to time.

4. It is contended by learned counsel for the petitioner that petitioner has been falsely implicated; that he was not present at the scene of crime; and that he has been nominated on the basis of disclosure statement of co-accused Navjot Singh @ Jota to have provided motorcycle to him (Navjot Singh @ Jota). It is pointed out that said Navjot Singh @ Jota has already been allowed bail by this Court vide order dated 24.04.2023 passed in CRM-M-18537-2023 (Annexure P-3). Even other co-accused, having more serious roles namely Manjinder Singh @ Kaka Sekhon and Gurinderpal Singh @ Gora Bhau have also been allowed bail by this Court vide order dated 06.05.2024 in CRM-M-31558-2023 and CRM-M-16001-2023, respectively (Annexure P-4). Learned counsel further contends that petitioner is in custody for the last more than 03 years and 05 months and so, in all these circumstances, he be allowed bail.

5. Learned State counsel has opposed the bail petition by drawing attention towards the criminal antecedents of the petitioner, who is involved in three other cases of serious nature. It is also contended that petitioner was also part of a conspiracy to have facilitated in commission of the crime by providing motorcycle to the co-accused. Prayer is made for dismissal of the petition.

6. I have considered submissions of both the sides and appraised the record.

7. It is no doubt true that petitioner is involved in three other cases as is evident from the custody certificate, but at the same time, the Court is required to see the role of the petitioner in the present case, in which he is seeking bail, as per observations made by Hon'ble Supreme Court in



Prabhakar Tewari Vs. State of UP (2020) 11 SCC 648 and ***Maulana Mohd. Amir Rashadi Vs. State of UT (2012) 3 SCC 382.***

8. It was observed by Hon'ble Supreme Court in ***Prabhakar Tewari's case***, as under:

"The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail. The High Court has exercised its discretion in granting bail to the accused."

9. Similarly, in ***Maulana Mohd. Amir Rashadi (supra)***, it was observed Hon'ble Supreme Court as under:-

"It is not in dispute and highlighted that the second respondent is a sitting Member of Parliament facing several criminal cases. It is also not in dispute that most of the cases ended in acquittal for want of proper witnesses or pending trial. As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

10. In the present case, it is conceded by the prosecution that petitioner was not present at the spot of crime. His name has surfaced in the disclosure statement of co-accused Navjot Singh @ Jota to the effect that petitioner had supplied a motorcycle to him (Navjot Singh @ Jota). The status report is silent as to whether any such motorcycle was recovered from the possession of Navjot Singh @ Jota and how the same was used in the crime.

11. Apart from above, Navjot Singh @ Jota, on whose disclosure statement the petitioner was nominated and arrested, has since been allowed bail by a Co-ordinate Bench of this Court vide order dated 24.04.2023 passed in CRM-M-18537-2023 (Annexure P-3). Petitioner is in custody for the last 03 years, 05 months and 22 days as per the custody certificate.



12. Having noticed all the aforesaid facts and circumstances but without commenting anything further on the merits of the case, petition is allowed. The petitioner is admitted to regular bail on his furnishing requisite bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned, by observing usual terms and conditions.

22.01.2025

Pry

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No