



CRM-M-35262-2024

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-35262-2024

Date of Decision:-04.02.2025

Hira Singh @ Heera Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Gagandeep Singh Simble, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under section 439 Cr.PC is for the grant of regular bail in case FIR No.0090 dated 4.6.2022 under Sections 379-B (2) IPC and Sections 25/27/54/59 Arms Act (Offence under Section 302 IPC added later on) registered at Police Station Majitha, District Amritsar Rural.

2. The present FIR came to be registered at the instance of Sajan and reads as under:-

“ Statement of Sukhwinder Singh son of Harpal Singh resident of Azampur, Near Kala Afghana, PS Fatehgarh Churian, District Gurdaspur, Ph. No. 98722-68201, 94789-66600, Age about 42 Years. I hereby state that I am resident of above mentioned address and I do job as delivery boy at Xpressbees Company, Ghanie Ke Bangar, whose owner is Jatinder Singh resident of Ghanie Ke Bangar, and I deliver parcels etc. ordered by



people in villages of different areas and collect cash from different villages. As per daily routine, on dt. 03.06.2022 at time about 3:00/3:30 PM I was going back to my village via Village Supariwind after delivering parcel at Majitha Town on my TVS Motorcycle colour red-black No. PB08-EL-6675. When I reached near the turn of orchard at short distance from Village Supariwind then two unidentified youths came from behind on one motorcycle without registration number, whom I can identify if paraded in front of me. After coming near my motorcycle they signaled me to stop and I stopped my motorcycle and they tried to snatch the cash bag hanging from my shoulder which was containing about Rs. 15000/16000 of delivering parcels and my mobile phone Vivo which was having Sim No. 81460-65503 of Airtel Company in it. I opposed their move and out of them one unidentified youth took out pistol from under his waistline. I very actively and cleverly snatched his pistol and they scuffled with me and in the meantime their two more accomplices came on one motorcycle. All above mentioned four youths forcibly snatched my cash bag, my mobile phone and pistol which I had earlier snatched from one of them. Then one youth gave blow of knife, which he was holding in his hand, on me which hit on my left hip. All four youths fled away from the spot alongwith their weapons. In the meantime, one passer-by Rajwinder Singh son of Karam Singh resident of Lidhar Bhaini arranged vehicle and admitted me at Guru Ramdass Hospital, Vallah, Amritsar, where, I am undergoing medical treatment. Statement recorded, is correct. Action be taken. Sd/- Sukhwinder Singh."

3. During investigation, Ramandeep Singh and Surjit Singh @ Billa were arrested in FIR No.46 dated 10.06.2022 under Sections 307, 379, 34 IPC read with Section 25/54/59 of the Arms Act registered at Police Station Ghanie ke Bangar, Police District Batala and suffered their disclosure statements that they along with Manpreet Singh @ Manu and Hira Singh (petitioner) had committed the aforesaid offences.

4. The Complainant Sukhwinder Singh succumbed to his injuries



and the offence under Section 302 IPC was added vide G.D. No.34 dated 17.06.2022. Hira Singh was arrested on 30.12.2022. Vide identification memo dated 02.01.2023 he was identified by Rajwinder Singh whose statement under Section 161 Cr.PC was also recorded on the same day regarding the said identification.

5. The counsel for the petitioner contends that there is no admissible evidence against the petitioner. He was initially named in the disclosures statement of his co-accused which has little evidentiary value. Pursuant to his arrest the recovery of a .32 bore pistol has been shown from him which cannot be connected with the offence in question. Further, Rajwinder Singh who is stated to have identified the petitioner has not supported the case of the prosecution. As the petitioner was in custody since 30.12.2022 and only 02 of the 25 Pws have been examined so far, the Trial of the present case was not likely to be concluded anytime soon, and therefore, he is entitled to the concession of bail.

6. The Counsel for the State on the other hand contends that initially 03 accused were arrested namely Shamsheer Singh @ Shera, Surjit Singh @ Billa and Ramandeep Singh who were duly identified by Rajwinder Singh. Thereafter the petitioner was arrested and was identified by Rajwinder Singh. It was only later during the course of Trial that Rajwinder Singh had turned hostile. The evidentiary value of the statement of Rajwinder Singh as PW-2 would be examined during the course of the trial and the petitioner cannot take any advantage of the same at this stage. The recovery of a pistol had been effected from him. Further, Hira Singh (petitioner) is a habitual offender with 08 other cases registered against him. Keeping in view the allegations levelled against him as well as his criminal antecedents, he is not entitled to the concession of bail.



7. I have heard the learned counsel for the parties.
8. As per the case of the prosecution initially Ramandeep Singh and Surjit Singh @ Billa were arrested and suffered a disclosure statement that they along with Mandeep Singh @ Manu and Hira Singh (petitioner) had committed the offence in question. The statement of Rajwinder Singh was recorded wherein he categorically stated that he had seen 04 youths surrounding the deceased and giving him injuries. At the first instance he identified Shamsheer Singh @ Shera, Surjit Singh @ Billa and the assailant as Ramandeep Singh. Subsequently on his arrest, he has identified the present petitioner as well. Rajwinder Singh is duly named as a witness in the FIR got registered at the instance of Sukhwinder Singh (deceased). Therefore, his presence *prima facie* stands established. Undoubtedly, while being examined in court at PW-2, Rajwinder Singh has turned hostile but the evidentiary value of the said statement shall be examined by the Trial Court after the entire evidence has been marshalled and brought before it.
9. The petitioner is a habitual offender and the details of the cases pending against him are as under:-

Sr. No.	FIR No. & Date	Under Sections	Police Station
1.	27 of 23.03.2022	302, 120-B, 148, 149 IPC	Majitha
2.	34 of 21.05.2022	458, 323, 427, 380, 148, 149 IPC	Ghanie Ke Bangar
3.	13 of 11.01.2022	379B(2), 411, 473 IPC & 25/54/59 Arms Act	Maqboolpura, Amritsar
4.	137 of 19.12.2021	323, 379-B(2) IPC & 25 Arms Act	Khalchian, Baba Bakala
5.	77 of 22.07.2020	325, 323, 341, 148, 149 IPC	Fatehgarh Churian
6.	85 of 22.11.2021	307, 452, 427, 120-B IPC & 25/27/54/59 Arms Act	Fatehgarh Churian
7.	46 of 10.06.2022	307, 379 IPC & 25/54/59 Arms Act	Ghanie Ke Bangar
8.	06 of 11.01.2023	387, 506 IPC & 27/25/54/59 Arms Act	Bhikhiwind

10. Keeping in view the nature of allegations against the petitioner and his criminal antecedents I do not deem it appropriate to grant him the



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concession of bail and, therefore, the present petition stands dismissed.

11. However, the Trial Court is requested to conclude the Trial as expeditiously as possible

(JASJIT SINGH BEDI)
JUDGE

February 04, 2025
Vinay

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