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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.57943 of 2022
Date of Decision: 21.04.2025
Reserved on: 28.03.2025**

Abhiraj Singh @ Abhi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. P.P.S. Tung, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
264	15.11.2021	Lopoke, District Amritsar	302, 307, 452, 336, 148, 149 and 120-B of IPC and 25 and 27 of Arms Act, 1959

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Bhupinder Singh on 15.11.2021 alleging therein that on the same day, his son Gagandeep Singh had left home for bringing some vegetable from the market. When he reached at the road, the complainant noticed that Gurjant Singh was present there and made phone call to someone on seeing his son. Then

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within the sight of the complainant, a Verna car reached there and stopped near his son. Accused Amarbir Singh @ Gurpreet Singh @ Gopi Mahal and the present petitioner both of whom, were armed with pistols alighted from the car. They were followed by 4-5 unknown persons who also reached there in a car and who too were armed with weapons. Accused Amarbir Singh fired a shot with pistol towards his son with intention to kill him thereby hitting his left leg. Gagandeep Singh rushed towards his house for his rescue but the assailants while continuing firing followed him and the bullets hit his legs and abdomen. He, however, managed to climb over the stairs of his house and entered therein. The assailants also reached there and fired shots thereby hitting his wife. The clamour raised by him attracted nearby shopkeepers who rushed for their rescue and then the assailants fled away. The victims were rushed to the hospital. Paramjit Kaur wife of the complainant had died as a result of the injuries sustained by her whereas his son was under treatment. After registration of FIR, investigation proceedings were initiated. Postmortem examination of dead body of the victim Paramjit Kaur and inquest proceedings were conducted. Gurjant Singh named in the FIR was declared innocent. Accused Amarbir Singh could not be arrested. Proceedings under Section 82 of Cr.P.C. were initiated against him and he was declared a proclaimed offender.

3. The present petitioner was arrested on 02.02.2022. He suffered disclosure statement to the effect that he was a close friend with Amarbir Singh who was having strained relations with a gangster namely, Jaggu Bhagwanpuria. Gagandeep Singh son of the complainant was close to the

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above named Jaggu Bhagwanpuria who wanted to eliminate Amarbir Singh @ Gopi Mahal. He disclosed that on 15.11.2021, they had hatched a conspiracy to kill Gagandeep Singh and with that intention had reached at the spot and fired shots with their pistols. The investigation has since been completed.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There are several lacunas in the prosecution case. No specific injury has been attributed to him. The prosecution version is exaggerated as the injuries mentioned by the injured do not match with the injuries as mentioned in the medico legal report. The cartridges used in the alleged occurrence have not matched with 30 bore pistol allegedly recovered from the spot and this has created a doubt over the prosecution version. Infact, there was enmity between the members of complainant party and accused Amarbir Singh and the petitioner has been implicated only due to being a friend of Amarbir Singh. His presence is not revealed from the CCTV footage containing the details of the incident. He is in custody since long. Trial is likely to take time. His involvement in other cases cannot be considered to be a ground for denying benefit of bail to him. Accordingly, it is urged that he deserves to be released on bail.

5. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab that there are serious and specific allegations against the petitioner. The petitioner is a habitual offender as many as 12 cases including a case of commission of offence of murder have been registered as against the petitioner. There are chances of his absconding or

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committing similar offences if released on bail. There are also chances of his intimidating the material witnesses. Accordingly, it is urged that the petition does not deserve to be allowed.

6. This Court has considered the rival submissions.

7. The petitioner by hatching a conspiracy with the co-accused Amarbir Singh is alleged to have fired shots with pistols towards the son of the complainant with intention of kill him. He along with the co-accused is further alleged to have chased the son of the complainant by entering his house and causing firearm injuries to the wife of the complainant who had died as an impact of the same. A compact disc stated to be containing CCTV footage of the camerea installed in the vicinity where the incident had taken place has been placed on record as Annexure A-1 which has been played and watched by this Court. On a perusal of this compact disc, it is revealed that the same is not containing the video recording of the incident but is showing the presence of police officials and the public persons at the spot after the incident. As such, no support can be solicited from this CCTV footage to show that the petitioner participated in the occurrence or not. The allegations against the petitioner otherwise are quite serious in nature. He is a habitual offender since as many as 12 more cases have been registered against him and as such, he has criminal antecedents. He was not only named in the FIR but specific role had also been attributed to him. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. Keeping in view the gravity of the allegations as levelled against the petitioner, the role attributed to him, the quantum of

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sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

(MANISHA BATRA)
JUDGE

21.04.2025

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No