

**IN THE COURT OF RAJWINDER KAUR
ADDITIONAL SESSIONS JUDGE,
FAST TRACK COURT,
EXCLUSIVELY TO DEAL WITH RAPE CASES,
FEROZEPUR
(UID No.PB-0121)**

CIS No. BA/2786/2024
CNR No. PBFZ0100-7193-2024
Date of order : 17.12.2024

Sarabjit Singh alias Sarwan, aged about 29 years son of Jajj Singh,
resident of Village Peer Ahmad Khan, Police Station Sadar, Ferozepur.

.....Applicant/accused.

Versus

State of Punjab.

..... Respondent

FIR No. 344 dated 03.09.2024.

***Under Sections 103, 109, 351(2),
191(3), 190, 61(2) of BNS
&
Section 25(6)(7), 54,59 of Arms Act.***

***Police Station : City, Ferozepur.
District : Ferozepur***

Application for regular bail.

Present: ***Sh. Mehar Singh Mal***, Adv. counsel for accused/applicant
Sarabjit Singh alias Sarwan.
Sh. Amandeep Prinja, Additional PP for the State.

ORDER.

This is the ***first regular bail*** application filed by **Sarabjit Singh alias Sarwan** (*accused/applicant*) on the ground that, he is innocent, has been falsely implicated in the present case lateron vide

rapat No.29 dated 14.09.2024, on the basis of statement of co-accused/non-applicant, which is inadmissible in the eyes of law. It is further submitted that even from the said statement of co-accused/non-applicant, there is not even a single piece of evidence against applicant/accused to prove his involvement in the present case. Moreover, the alleged recovery of weapon has already been effected and applicant/accused is in **judicial lock up** since **26.09.2024**. Neither any recovery is to be effected from the applicant/accused nor, he is required for the purpose of any custodial interrogation. Since, commencement of trial and conclusion of same shall take long time, therefore, till conclusion of trial, prayer made for bail. (*Application is duly supported with affidavit*).

2. Notice of the application was given to the learned Additional Public Prosecutor for the State. No reply to the application has been filed but hotly contested the same.

3. **Report of Filing Branch** is as under:-

*“ As per CIS system, **interim bail of applicant/accused** was **dismissed** by this court vide order dated **14.11.2024**.*

*Now, this is **Ist regular bail** of applicant/accused. No such other bail of abovesaid applicant/accused is pending or decided in the present*

FIR in the subordinate court as well as Hon'ble High Court"

Report of Ahlmad is as under:-

*" No bail application filed by applicant/accused is pending or decided before Hon'ble High Court. Copy of report downloaded from the website of Hon'ble Punjab and Haryana High Court is attached. However, application for grant of interim bail filed by **Sarabjit Singh** (applicant/accused) was dismissed on 14.11.2024".*

4. **Police record** requisitioned, produced by **ASI Darshan Lal No.305/FZR** posted at police station **City, Ferozepur** who has suffered statement to the effect :

- (i) That **this is first bail application of applicant/accused** and no other bail application of applicants/accused is pending before any court of law.
- (ii) That applicant/accused is in **custody since 26.09.2024** and challan has been presented in the court.
- (iii) That present FIR was registered on the basis of statement of Charanjit Kaur and applicant/accused was nominated vide rapat No.29 dated 14.09.2024. Four Pistol Deshi alongwith 5 magazine were recovered on the basis of disclosure statement of applicant/accused.

- (iv) That three persons namely *Jaspreet Kaur, Dildeep Singh and Akashdeep* had **died** in the occurrence of present FIR.
- (v) That three accused namely *Harpreet Singh alias Happy, Ashish Chopra and Gautam* are **still to be arrested** in the present case.

5. Criminal law was swung into motion on the basis of statement suffered by **Charanjit Kaur** wife of *Paramjit Singh (complainant)* that on **03.09.2024**, after paying obeisance at Gurudwara Shri Akalgarh Sahib, when she came outside and was waiting for her son, saw Dildeep Singh (son) alongwith Anmolpreet Singh, Jaspreet Kaur(niece), Akashdeep and Harpreet Singh (friends of her son) came on car, when reached near to gate of Gurudwara Sahib, then three persons on their respective motorcycles armed with pistols came there. She identified them as *Ravinder Singh, Rajvir Singh alias Daler Singh, Sukhchain Singh, Jus Giani, Akshay alias Bhashi, Gautam and Prince* alongwith *other unidentified persons*. They all opened firing and after assailing injuries, managed to run away towards Habib Ke road. On checking of car, **Jaspreet Kaur** (niece) was **dead** whereas, **Dildeep Singh** (son) and **Akasdeep Singh** during way to hospital **succumbed to the injuries**. **Harpreet Singh** and **Anmolpreet Singh** who are **seriously injured** got admitted in the hospital.

On the basis of ***supplementary statement***, Daljit Singh was **nominated as accused**, who during interrogation named Punjab Singh. During interrogation, Gurpreet Singh alias Gopi and Ravinder Singh alias Ravi alias Sukhu further deposed that they handed over weapon to **Sarabjit Singh** (applicant/accused), thus ***Sarabjit Singh*** was ***nominated as accused vide DDR No.29 dated 14.09.2024*** and his **arrest was effected on 26.09.2024**.

During interrogation, **Sarabjit Singh** suffered **disclosure statement** dated **28.09.2024** and got recovered, ***four pistols and 5 magazines***. Arrest of Harpreet Singh alias Happy; Aashish Chopra; Gautam and Love Sandhu is yet to be effected.

6. **Sh. Mehar Singh Mal, Advocate**, learned counsel for applicant/accused has vehemently argued that, there is no direct or indirect evidence to connect **Sarabjit Singh alias Sarwan** (applicant-accused) for the commission of crime. He has been nominated as accused on the basis of confessional statement suffered by co-accused/non-applicant which is inadmissible in the eyes of law. Moreover, alleged recovery has been planted. True facts are that no such weapon was recovered from the possession of the applicant/accused and till now, there is no evidence with the Investigating Officer to connect alleged recovered weapons for the

commission of crime. As, applicant-accused is in judicial lock up, since no recovery is to be effected, thus, prayer made for bail.

7. On the other hand, ***Sh.Amandeep Prinja, learned Additional Public Prosecutor*** for the State refuted such arguments and submitted that complainant in her statement has specifically stated **motive** that Ashish Chopra and Harpreet Singh alias Happy due to previous enmity used to hurl threatenings to her son in order to kill, thus above stated firing was opened by accused at instances of Ashish Chopra and Harpreet Singh alias Happy. So has been stated by **Sarabjit Singh (applicant/accused)** in his disclosure statement that *‘on the day of occurrence, he received telephonic call from Harpreet Singh alias Happy that some persons will reach to Sarabjit Singh and will hand over the weapons, then to keep same in safe custody. Again he received telephonic call on 07.09.2024 that shooters have been apprehended and to hand over said weapons to Love Sandhu’*. Thus, **Sarabjit Singh (applicant/accused)** knowingly fully well played an active role for concealing weapons used by Shooters(co-accused/non-applicants) at instances of Harpreet Singh @ Happy & Ashish Chopra. Since, serious offence has been committed therefore, opposed prayer.

8. After having considering rival submissions put forth by counsel for both the parties and, perusal of the original file reveals that,

there are specific allegations that weapons used by Shooters (co-accused/non-applicants) for the commission of crime, which resulted into murder of one young girl and two young boys, were allegedly concealed and were got recovered by **Sarabjit Singh alias Sarwan** (*applicant-accused*) on the basis of his disclosure statement. Thus, keeping in view of the gravity of offence, application for regular bail filed by ***Sarabjit Singh alias Sarwan*** (*applicant/accused*) is hereby ***dismissed.***

Nothing stated hereinabove shall have bearing on the merits of case. Police record be returned and, bail application file be consigned to the record room.

Pronounced in Open Court.

Dated: 17.12.2024

Manoj Kumar

Stenographer Gr.II

(Rajwinder Kaur)

Additional Sessions Judge,

(Fast Track Court, exclusively

dealing with rape cases) Ferozepur

UID No. PB0121.