

**Pritpal Sinohal Vs. State**

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**SooperKanoon Citation :** [sooperkanoon.com/692444](http://sooperkanoon.com/692444)

**Court :** Delhi

**Decided On :** Mar-09-1993

**Reported in :** 50(1993)DLT355

**Judge :** Mohd. Shamim, J.

**Acts :** [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 439

**Appeal No. :** Criminal Miscellaneous (Main) Appeal No. 389 of 1992

**Appellant :** Pritpal Sinohal

**Respondent :** State

**Advocate for Pet/Ap. :** K.G. Bhagat,; Jitender Sawn,; K.K. Sud and;

**Judgement :**

**Mohd. Shamin, J.**

(1) This is an application by one Pritpal Singhal to be released on bail.

(2) The case of the prosecution is that the petitioner and his son i.e.co-accused Suresh Singhal are the owners of a house situated at BehraEnclave, New Delhi. They wanted to dispose the same of. Deceased ShyamSunder and Krishan Lal and injured Hans Raj and his brother Raj Kumar alias Raju were carrying on the business of property dca.hng under the name and style of M/s. Vijay Properties at

Bahadurgarh (Haryana). S/Shri Tilak Raj, Tarsem Lal and Sarvar Lal all residents of Gurdaspur (Punjab) wanted to purchase the above said property and a deal was struck for the purchase of the said property for a consideration of Rs. 35 lacs. However, the said consideration was not passed on in full to the sellers and the same was alleged to have been taken by the above saki property dealers, yet they were bringing pressure on the seller to execute the sale deed in respect of the said property in favor of the proposed buyers. The sellers were, however, not ready to submit to their demands. Deceased Shyam Sunder and his brother Raju approached the petitioner and his son on March 3, 19'91 and tried to pressurise them to execute the sale deed, but they were not ready for the same till they received the complete consideration. It led to a flaming row. Subsequently to resolve the above said dispute the matter was referred for an amicable settlement to one Lala Harkishan Dass. With the said end in view a meeting was held at the office of Lala Harkishan Dass at Nangloi at 4 p.m. on 4/03/1991. The deceased Shyam Sunder and Krishan Lal and injured Hans Raj and R.aj Kumar reached the above said office of Lala Harkishan Dass on 4/03/1991 at the above said time. The petitioner along with the other two accused persons reached thereat 5.10 p.m. One Subhash Mahajn an acquaintance of Lala Harkishan Dass also reached there in his Fiat' car which he has parked outside the office of Lala Harkishan Dass and left the same unlocked. There was exchange of some hot words in between the deceased Shyam Sunder and accused Suresh Singhal. Accused Suresh Singhal is alleged to have taken out his revolver and fired at deceased Shyam Sunder, It led to a stampede and all the persons present except Hans Raj and Raj Kumar ran for their safety. As per the additional statement of Shri Raj Kumar when accused Suresh Singhal started firing at Shyam Sunder deceased, then Shri Raj Kumar and deceased Krishan Lal and injured Hans Raj Tried to catch hold the above - named accused. Accused Suresh Singhal thereupon exhorted his father i.e. Shri pritpal Singhal to finish them all. Co-accused Roshan Lal caught hold of Shri Raj Kumar. Accused Suresh Singhal and the petitioner thereupon fired at deceased Krishan Lil and Hans Raj. The petitioner asked co-accused Roshan Lal to bring his rifle from his Maruti Car. Shri Krishan Lal fell in front of the shop of Harkishan Dass and injured Hans Raj fell at the corner of Nihal Vihar colony. Shri Raj Kumar after having been released by Roshan Lal left the place of occurrence and went to his

house at Bahadurgarh to inform the other members of his family.

(3) It has been urged for and on behalf of the petitioner that the petitioner is innocent. He has been falsely implicated in the present case. The information with regard to the present occurrence was given to the police as many as four times on 4/03/1991 i.e. at 5.25 p.m. (D.D. 16A), 5.50 p.m. (D.D. No. 17), 6.45 p.m. (D.D. No. 1SA) and 6.48 p.m. (D.D. No. 19A). Yet the name of the petitioner does not find a mention in any of the above reports. The learned Counsel has thus contended that it proves the innocence of the petitioner.

(4) The next contention put forward for by the learned Counsel for the petitioner is that Shri Raj K.umar, brother of the deceased persons, was present at the spot, yet he escaped unhurt without even a scratch on his body. This goes to show that Public Witness Raj Kumar was not even present at the spot.

(5) It has next been urged by Mr. K..G. Bhagat, learned Counsel for the petitioner, that Lala Harkishan Dass who is alleged to be a witness of such an alarming occurrence wherein two persons are alleged to have lost their precious lives and third one was seriously injured, yet he sat tight with his lips and lodged the report at 7.45 p.m. at Ps Nangloi. This goes to show that the Fir lodged, 7.45 p.m. is a result of due deliberation. Thus, it raises all sorts of suspicions with regard to the occurrence.

(6) The report of the Ballistic Expert does not help the case of the prosecution inasmuch as there is no report of the fact that the bullets were fired from the weapons alleged to have been recovered from the petitioner and his co-accused Suresh Singhal. The statements of Sarvar Kumar, Tarseen Lal and Tilak Raj were recorded on 24/04/1991 though the occurrence is alleged to have taken place on 4/03/1991. Public Witness Lala Harkishan Dass has not deposed to anything about the petitioner.

(7) Learned Spp turn the State Mr. K.K.. Sud on the other hand, has argued with great zeal and fervour that there is ample evidence against the petitioner in the form of the statement of Public Witness Lala Harkishan Dass who lodged the Fir inasmuch as his name finds a mention therein. The presence of Lala Harkishan

Dass Public Witness is proved at the spot inasmuch as his name finds a mention in all the documents by the prosecution agency. Then there is the statement of Shri Hans Raj who is alleged to have sustained serious injuries at the hands of the petitioner and his co-accused. He has very categorically stated in his statement before the police as well as before the Court that the petitioner and his co-accused namely Suresh Singhal fired from the revolver. The revolver is alleged to have been recovered from the search of the petitioner Pritpal Singha. I on 14/03/1991. Then there is the statement of Shri Raj K.umar recorded on 4/03/1991. He has also alleged in his statement before the police that accused Suresh Singhal and his father i.e. Shri Pritpal Singhal and one more person came to the office of Lala Harkishan Dass. There was some exchange of hot words which led to a flaming row whereupon accused Suresh Singhal took out the revolver from his pocket and shot at his brother Shyam Sunder. As soon as he and his brothers tried to catch hold of Shri Suresh Singhal, Shri Suresh Singhal exhorted his father Shri Pritpal Singhal to finish them all whereupon the petitioner and Suresh Singhal started firing as a result of which Kishan Lal, Shyam Sunder and Hans Raj sustained serious injuries. Shyam Sunder and Kishan Lal succumbed to the injuries. Then there is the most important statement of Public Witness Hans Raj who himself was injured. He has fully supported the statement of Public Witness Raj Kumar. His statement was not recorded on the date of occurrence as he was seriously injured and was recorded later on when he recovered from the injuries alleged to have been sustained at the hands of the accused persons.

(8) Besides the above statements there is the statement of Shri Tilak Raj who has also corroborated the version as set out in the statement of PW Raj Kumar and Public Witness Hans Raj.

(9) In the above circumstances and keeping in view the gravity of the offence where two precious lives were lost, I do not think the present case is a fit case for bail. I do not see any force in the present application. The same is hereby rejected.