

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-39685 of 2014

Date of Decision: March 2, 2015

Gurdeep Singh @ Deepa

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

-. -

Present:- Ms. Baljit Mann, Advocate
for the petitioner.

Mr. C.S. Brar, DAG, Punjab.

Mr. Ashok Giri, Advocate for Sher Singh injured.

-. -

M.M.S. BEDI, J.

This order will dispose of a petition for grant of regular bail in a case registered at the instance of Baldev Singh alleging that on November 11, 2013 when he alongwith his nephew Satnam Singh @ Sattu and son of his maternal aunt Sher Singh were cutting weeds in their land near river Satluj, a yellow JCB machine was seen with four persons, Sippy driving the same alongwith Harwinder, Harjinder and Laddu who were armed with deadly weapons. They were followed by Baba Karnail Singh armed with

toka, Sucha armed with datar, Sabi armed with datar and Jarnail armed with datar. 8/10 unidentified persons armed with danda and sticks were also following them. Baba Karnail Singh raised a lalkara for teaching a lesson to the complainant party for cutting weeds from their land. Sippy stopped the JCB machine and above said four persons got off swinging their weapons in the air claiming that the land belonged to them and threatened the complainant to leave the spot. On opposition shown, all the accused attacked with their respective weapons. Sippy gave two blows with his axe on the complainant one on the front right side of head and another from the reverse side on the backside of the head. Harjinder gave a blow with datar on the right shoulder as a result of which complainant fell down. Harjinder again gave a blow with reverse side of his datar on the back of the complainant. Sippy gave an axe blow which hit on the left hand of the complainant which was raised to protect his head. Another axe blow hit him on the left wrist. Jandu gave a blow from the reverse side of his dater on the right leg of the complainant. When alarm was raised, Satnam Singh @ Satti and Sher Singh came forward. The complainant had hidden himself behind the weeds. Harwinder Singh gave a blow with his toka on Satnam Singh @ Satti who started bleeding and fell down. His father came forward upon which Sabi gave two blows with his datar upon his right leg. Baba Karnail Singh gave blow with his toka on his mouth. Jona gave two blows with his toka hitting him on his head. Then Jarnail Singh, Laddu and Sucha Singh gave different injuries. Jandu is alleged to have given a datar blow on the

right hand of complainant. Sippy gave an axe blow hitting him on the left side of stomach. The unidentified persons gave kicks blow. Thereafter all the persons left from the spot with their respective weapons and JCB machine. On hearing cries Bagga who was working in the adjacent fields came on the spot. Vehicle was arranged and they were admitted in Civil Hospital, Bilga. Satnam Singh @ Sattu had died. Sher Singh was referred to Jalandhar for further treatment.

Learned counsel for the petitioners Ms. Baljit Kaur Mann has submitted that neither the petitioner has been named in the FIR nor any role has been attributed to him. Referring to the post mortem report, it was argued that there are five injuries on the body of the deceased which includes two incised wounds on the head and the cause of death is cranio-cerebral injury with shock and haemorrhage. The MLR of Sher Singh annexure P-3 shows that he had received 12 injuries on his person. The injuries are lacerated wounds, swellings and abrasions. Referring to MLR of Baldev Singh, it was argued that all the injuries are simple.

Counsel for the petitioner has vehemently urged that there are 12 injuries on the person of Sher Singh and six injuries on the person of Baldev Singh which have been specifically attributed by complainant to specific 8 persons named therein. The petitioner having not been named in the FIR and subsequently being projected as one of the 8/10 unidentified persons against whom vague allegations have been levelled that they have

been given kick blows to the complainant party, the petitioner can be granted the concession of bail.

The petitioner has been named in the supplementary statement by complainant Baldev Singh for the first time on January 18, 2014 after the expiry of two months. The petitioner being not named in the FIR and no specific injury having been attributed to him, it will be debatable whether he, as a member of unlawful assembly can be held vicariously liable for the death of Satnam Singh.

In view of the above, the petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/ surety bonds to the satisfaction of the trial Court.

March 2, 2015
sanjay

(M.M.S.BEDI)
JUDGE