

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17269 of 2016
DECIDED ON: May 26, 2016

SURJIT SINGH @ SAHBU

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mrs. Baljit Mann, Advocate,
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

JASPAL SINGH, J.

Through this second petition preferred under Section 439 of the Code of Criminal Procedure, petitioner-Surjit Singh @ Sahbu (at present confined in Central Jail, Gurdaspur) has sought grant of bail during the pendency of trial in case registered against him and others vide FIR No.89, dated 03.10.2013, under Sections 302, 452, 324, 323, 148 and 149 IPC, Police Station Kahnuwan, District Gurdaspur.

2. *Inter alia*, it has been contended by learned counsel for the petitioner that no specific role has been attributed to the present petitioner. Complainant-Gurjit Singh has simply alleged that while getting the instant case registered that the petitioner while armed with DATAR, dealt its blow

landed on his head. The injuries appearing on the persons of deceased Sewa Singh as well as that of Gurjit Singh are simple in nature. In fact, the petitioner has been falsely implicated in the instant case, that too, by making material improvements. An injury appearing on the person of deceased, which has been attributed to the petitioner is only bruise appearing on the left side of the chest. The said injury could not be a result of DATAR, which is a sharp edged one. If injury is inflicted with DATAR, it would certainly leave an incised wound. It is not the case of the complainant that DATAR was dealt by petitioner on the person of deceased Sewa Singh from its reverse side.

3. Learned counsel for the petitioner further contends that the petitioner is in custody since 06.10.2013 and till date only 2 witnesses have been examined out of 20 witnesses cited by the prosecution. The Trial is at snail's pace and is not likely to be concluded in near future. The investigation is already complete and petitioner is no longer required for any further custodial interrogation. Apart from the aforesaid submissions, learned counsel for the petitioner has further contended that the petitioner is not keeping well while in custody. He has also been diagnosed as HCV reactive (Hepatitis C), who otherwise needs special care, which could not be provided in jail where his condition is deteriorating day-by-day. Further learned counsel for the petitioner contends that petitioner is ready to abide by all the terms and conditions imposed by this Court, in case, he is granted the concession of bail.

4. Per contra, learned State counsel has strongly opposed the petition. He has submitted that there are serious and specific allegations against the petitioner prima facie establishing his criminis participas.

Specific injuries caused to the deceased and the complainant with DATAR have been attributed to the petitioner. Moreover, after the completion of investigation, challan has been presented. There being prima facie evidence, petitioner has been charge-sheeted for the commission of murder of Sewa Singh under Section 302 IPC besides the commission of other offences. Thus, in such situation, the mere fact that he is cooling his heels behind the bars since the date of his arrest, does not entitle him to bail.

5. This Court has given an anxious thought to the rival submissions made by learned counsel for the parties and have perused the documents available on file.

6. There are serious allegations that he while armed with DATAR dealt its blow not only on the person of deceased Sewa Singh but also on the head of complainant Gurjit Singh. Moreover, allegations appearing in the FIR as well as in the statement of Gurjit Singh PW-1, his criminis participas is prima facie established. Thus, in such a situation, the mere fact that he is cooling his heels behind the bars w.e.f 06.10.2013 is itself no ground to bail him out. Similarly, the mere fact that the petitioner is suffering from Hepatitis C and requires special treatment is no ground to enlarge him bail in view of the role attributed to him.

7. Taking into consideration the seriousness and gravity of offence complained of against the petitioner, this Court does not deem it a fit case to extend the concession of bail.

8. Accordingly, the petition under consideration stands dismissed.

May 26, 2016**sonika****(JASPAL SINGH)
JUDGE**