

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

**Criminal Misc. No. M-12354 of 2017
Date of Decision:-02.8.2017**

Harjap Singh @ Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Jasraj Singh, Advocate
for the complainant.

HARI PAL VERMA J.

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.75 dated 1.5.2016, under Sections 302, 342, 120-B, 148 and 149 IPC (later on at the time of presentation of report under Section 173 Cr.P.C., Sections 148, 149 and 120-B IPC were deleted and only Sections 302, 342 and 34 IPC remain in the present FIR), registered at Police Station Tanda, District Hoshiarpur.

The FIR has been registered on the statement of complainant Manjit Singh that on 30.4.2016 his son Lovepreet Singh, who came from Noida, had gone out of the house by stating that he will return in half an

hour. However, at 11.30 PM, the complainant received a call and was informed that accused Pritam Singh son of Mangal Singh alongwith his daughter-in-law Rajdeep Kaur wife of Didar Singh, Harjap Singh @ Sonu, Sahib son of Rachhpal Singh, Harman Singh son of Pappu and three other unknown persons are badly beating his son Lovepreet Singh in the house of Pritam Singh. On receipt of this information, the complainant along with Amrik Singh reached the house of Pritam Singh, where he saw that his son Lovepreet Singh was lying in the lobby of the house of said Pritam Singh, who was holding a Datar in his hand. Harjap Singh @ Sonu (petitioner) was holding a bamboo stick in his hand and Sahib was holding a wooden ruler/scale in his hand, whereas, Harman Singh was holding a Spade Dasta and other three unknown persons, whose names were not known, were causing injuries to his son with their respective weapons. Rajdeep Kaur was holding his son by hairs and was slapping him. On a noise having been raised by the complainant, people gathered at the spot in the house of Pritam Singh. Thereafter, the accused, who were holding arms in their hands, fled away from the scene of occurrence. Lovepreet Singh, however, succumbed to injuries on the spot. The motive of the occurrence was that earlier Rajdeep Kaur, daughter-in-law of Pritam Singh had left the house of her in-laws and started living with Lovepreet Singh at Noida. After two months, the inhabitants of village, panchayat members and some relatives facilitated a compromise between both the parties and thereafter she (Rajdeep Kaur) came back to her matrimonial home. Thereafter all the assailants hatched a conspiracy and gave beatings to Lovepreet Singh

resulting into his death.

Learned counsel for the petitioner has argued that in the aforesaid FIR petitioner is in custody since 4.5.2016. The police has investigated the matter and has found the petitioner and the other co-accused innocent. The alleged incident of beating had taken place at 10.30 PM in the house of Pritam Singh, whereas, as per FIR, petitioner had reached the house of Pritam Singh at about 11.15 PM and by that time other people had already reached to the house of Pritam Singh. He further states that the petitioner was not having any rivalry or family grudge with the deceased and therefore, the police has found the petitioner innocent, which fact was duly approved by the Senior Superintendent of Police, Hoshiarpur vide his report dated 22.7.2016.

On the other hand, learned counsel for the respondent No.2-complainant has argued that Pritam Singh, father-in-law of Rajdeep Kaur is aged about 70 years and, therefore, he single handedly could not have inflicted such injuries, which led to the death of Lovepreet Singh. Therefore, the petitioner has actively participated in the crime. The police report, wherein the petitioner and other co-accused were found innocent, was not accepted by the learned Magistrate and the learned Magistrate vide order dated 1.8.2016 has declined to accept the said report. Therefore, the petitioner cannot take any benefit of the said report. Deceased Lovepreet Singh was quite healthy and young person, running a gym, whereas Pritam Singh, who is aged about 70 years, single handedly could not have caused such like injuries resulting into death of Lovepreet Singh, without the active

participation of the petitioner.

I have heard learned counsel for the parties.

The petitioner is in custody since 4.5.2016. In this matter, a Special Investigation Team (SIT) was constituted by the Senior Superintendent of Police, Hoshiarpur, which after investigation has found that Pritam Singh and Rajdeep Kaur were the preparators of the crime, whereas the remaining persons named by the complainant were found innocent during inquiry. Considering the fact that initially the police has found the petitioner innocent and he is already in custody since 4.5.2016 and trial will take sufficient long time, this Court finds that the petitioner deserves to be released on bail. Therefore, the petition is **accepted**. The petitioner is admitted on regular bail on furnishing of his bail bonds and surety bonds subject to satisfaction of the trial Court.

Needless to mention, nothing observed here-in-above would reflect, on the merits of the case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail only.

August 02, 2017
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No