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

**Date of decision: July 11, 2017
CRM-M-20947 of 2017**

Sukhjeet Singh @ Sukha and another
.....Petitioners

Versus

State of Punjab-
.....Respondent
CRM-M-21091 of 2017

Dhanraj alias Dhanna
.....Petitioner

Versus

State of Punjab
.....Respondent
CRM-M-21047 of 2017

Rajwinder Singh alias Raju
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. P.B.S. Sidhu, Advocate
for the petitioners (in CRM-M-20947 of 2017).

Mr. Deepak Aggarwal, Advocate
for the petitioner (in CRM-M-21091 of 2017).

Mr. K.S. Dhanju, Advocate
for the petitioner (in CRM-M-21047 of 2017).

Ms. Samina Dhir, DAG Punjab.

Mr. A.P.S. Deol, Senior Advocate with
Mr. Vishal Lamba, Advocate for the complainant.

A.B. CHAUDHARI, J

By this common order, the above said three petitions

would be disposed of.

In all these petitions, the petitioners seek regular bail in FIR No.120 dated 12.12.2015, under Sections 302, 307, 323, 326, 148, 149, 201, 115, 120-B of Indian Penal Code, 1860 and 3(2) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Bahaw Wala, District Fazilka.

Learned counsel for the petitioners in all these petitions submit that these petitioners were arrested in June 2016 and since then they are behind bars. According to learned counsel for the petitioners, petitioners cannot be detained in jail as under trial indefinitely. Learned counsel for the petitioners then submit that Sandeep alias Sonu and Palwinder Singh alias Jaggu were granted bail by this Court, and therefore, the petitioners are also entitled to grant bail on parity. Learned counsel for the petitioners, therefore, prayed for regular bail. The petitioners in CRM-M-20947 of 2017 are Sukhjeet Singh @ Sukha and Gurpreet Singh @ Mollu, in CRM-M-21091 of 2017, the petitioner is Dhanraj alias Dhanna and in CRM-M-21047 of 2017, the petitioner is Rajwinder Singh @ Raju.

Per contra, learned counsel for the respondents vehemently opposed all these petitions for grant of bail to the petitioners and argued that there is prima-facie case against them and offences are very very serious.

I have heard learned counsel for the rival parties. It is not in dispute that the trial has started. PW17-Ranjit Singh has deposed in

evidence before the trial Court and I quote the relevant portion from his evidence as under:-

“Firstly Bhim Tank was caught hold and thereafter some persons caught hold Gurjant Singh was caught hold by Simran, Happy and Chhaju, Harpreet Singh @ Harry, Wazir Singh, Raja and Gulabia were having sharp edged weapons i.e. tokas and swords. Raja Singh chopped off the right hand of Bhim Tank from its wrist, Wazir Singh chopped off the left hand of Bhim Tank from its wrist, Harpreet Singh @ Harry chopped off right foot from its ankle point, Gulabia chopped off left foot from its ankle. 4/5 persons caught hold Bhim Tank from his arms. Harpreet Singh @ Harry, Radhey Sham @ Radia and Vicky Pandit chopped off right hand of Gurjant Singh from its wrist and hand fell down on the ground. Radhey Sham @ Radia also gave a blow of Iron rod on the right arm of Gurjant Singh. Vicky Pandit gave a blow of iron rod which hit on his left arm. Simran was giving blows of iron rod on the right thigh and Happy was giving blows of iron rod on lower part of right leg. All the accused who were armed with rod were giving injuries to Bhim Tank and Gurjant Singh with the intention to kill them. Amarjit Singh Gakhu son of Gurjant Singh, resident of village Kundal, Manpreet Singh @ Meeta son of Mukand Singh, resident of village Kundal, Sukhjit Singh @ Sukha son of Davinder Singh, resident of Bahadar Khera, Gurpreet Singh @ Melu son of Sukhmander Singh, resident of Bahadar Khera, Mandeep Singh @ Monu son of Pritpal Singh resident of village Kera Khera, Rajinder Kumar son of Chet Ram resident of Azimgarh Abohar, Sandeep Singh @ Sonu son of Balkar Singh resident of village Sammewali,

Sunny Puladu son of Ram Kishan resident of Arya Nagar, Rajwinder Singh @ Raju son of Balbir Singh resident of Dhani Karaka Singh, Abohar, Dhanraj Singh @ Dhanna son of Krishan Kumar, resident of village Danger Khera, Palwinder Singh @ Jaggu son of Gurjant Singh, Rai Sikh, resident of Dhani Karaka Singh Abohar, Sunil @ Bhima son of Satpal Singh resident of Ramdev Nagar, Abohar who were earlier unknown to me and their names were disclosed to me by my uncle Jaspal Singh and other persons. The above said persons were armed with iron rods. All the above said persons were causing injuries on the person of Gurjant Singh and Bhim Tank with their weapons with the intention to kill them. I along with Jaspal Singh raised alarm, the accused along-with their respective weapons fled away from the spot on their vehicles. We saw the occurrence while standing at a distance. We took Bhim Tank along-with his amputated hands and feet in a Innova vehicle Gurjant Singh along-with his amputated hand were taken to civil hospital, Abohar. We called the doctor outside and the doctor after inspecting Gurjant Singh and Bhim Tank in their vehicles itself advised us to take the injured to Amandeep Hospital, Amritsar. At that time condition of both the injured was very serious.”

After the incident, one person died. Another witness PW19-Gurjant Singh @ Janta stated thus in his evidence before the trial Court:-

“Sukhjeet Singh @ Sukha son of Davinder Singh resident of village Bahadar Khera. Gurpreet Singh @ Molu son of Sukhmander Singh resident of village Bahadar Khera, Mandeep Singh @ Monu son of Pritapal Singh resident of village Kera Khera, Rajinder son of Chet Ram resident of village Azimgarh, Sunil Kumar @ Bhima son of Santpal

Singh, resident of Ramdev Nagar, Sandeep @ Sonu son of Balkar Singh resident of village Samewali, Rajwinder @ Raju son of Balbir Singh resident of Dhani Karaka Singh, Sunny Puladu son of Ram Krishan resident of Arya Nagar, Dhanraj @ Dhanna son of Krishan Kumar, resident of village Dangarkhera, Palwinder Singh @ Jaggu son of Gurjant Singh resident of Dhani Karaka Singh. The said persons are present in the court today. They all were armed with big tokas (weapon meant to cut the meat), datars and iron rods. They encircled us. Radhey Singh @ Radia, Amarjit @ Gakhu, Manpreet @ Meeta, Sukhjeet @ Sukha, Gurpreet @ Melu and Sunil @ Bhima, Rajinder knocked down Bhim Tank and threw him on the ground and started beating him. Simran, Happy @ Ashwani, Ajaypal @ Chhaju @ Gagga, Vicky Pandit, Sandeep Sonu, Rajwinder @ Raju, Palwinder @ Jaggu gave iron rods blows to me and knocked down to me. Harpreet Singh @ Harry, Rajpreet @ Raja, Wazir Singh, Gulabia, Paari and Radhia started amputating the body of Bhim Tank. They started giving blows of iron rods with full force on my person. Simran gave repeated blows of iron rod on my right thigh, Ashwani @ Happy gave blows on my right leg. Vicky Pandit gave repeated blows on my left arm. Radia gave repeated blows on my right arm. Chhaju @ Gagga @ Ajaypal caught hold my right hand and Harpreet Singh @ Harry amputated my right hand. Harpreet Singh @ Harry, Raja, Wazir, Gulabia, Paari and Radia firstly attacked on Bhim Tank after cutting him in pieces they gave blows on me.”

Thus, it is seen that the trial is on and there is prima-facie case against the petitioners. The petitioners has allegedly committed

the cruelty of highest order. In the light of the above discussion, I find that the petitioners cannot be released on regular bail.

In that view of the matter, CRM-M-20947 of 2017, CRM-M-21091 of 2017 and CRM-M-21047 of 2017 are dismissed. However, the trial Court is directed to expedite and complete the trial within 3 months from today.

(A.B. CHAUDHARI)
JUDGE

July 11, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No