

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

CRM M-31650 of 2017

Date of decision : 20.04.2018

Karamjit Singh @ Karma

....Petitioner

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Karanjit Singh, Advocate for the petitioner.

Mr. C.L. Pawar, Sr. DAG Punjab.

RAJAN GUPTA J.

Petitioner seeks concession of regular bail in a case registered against him under sections 307, 326, 324, 323,325, 148, 149, 506, 341, 120-B IPC vide FIR No. 66 dated 13.12.2016 at police station Valtaha, district Tarn Taran. It has been urged before the court that FIR was registered after 11 days delay. It is a case of version and cross version. Besides, petitioner has been falsely implicated in the case. His accomplices have already been declared innocent during an inquiry conducted by senior police officials. Thus, he is entitled to concession of bail. Prayer has been opposed by learned State counsel.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged on the basis of complaint made by Lovepreet Singh. He stated that he alongwith his mother had gone to hospital and thereafter to the market. At that time, they were assaulted by accused

Karamjit Singh (petitioner herein) and other persons. Karamjit Singh

exhorted that complainant be caught and taught a lesson. Complainant and his mother tried to enter into a nearby Chemist shop to save themselves. But before that they were intercepted. Karamjit Singh gave a dattar blow to the complainant on his head then co-accused Mohandi gave kirch blows to the complainant. Other associates caused number of injuries. Motive of the crime is stated to be relationship between wife of the complainant namely Sukhjit Kaur and Karamjit Singh. After the incident, complainant was taken to Sri Guru Nanak Dev Hospital, Amritsar but was referred to PGI, Chandigarh. Instead he got admitted in K.D. Hospital, Amritsar where twelve injuries were found on his person, injury no. 1 being dangerous to life. During pendency of this petition, coordinate Bench (Surinder Gupta, J) directed Senior Superintendent of Police, Tarn Taran to look into the matter as all accused except the petitioner has been declared innocent despite the allegation of the complainant that he was attacked by number of persons and twelve injuries had been found on his person. Affidavit of Surinderpal Singh Parmar, Inspector General of Police, Border Range, Amritsar has been filed. Para 7 thereof reads as under:-

“7. That according to the report submitted by the Deputy Superintendent of Police Sub-division Bhikhiwind after conducting investigation by visiting the place of occurrence and by joining all the concerned in the investigation of the present case/FIR No. 66 dated 13.12.2016 u/s 307, 325, 324, 323, 341, 506, 148, 149 IPC P.S. Valtaha, District Tarn Taran, it has been revealed that on dated 02.12.2016 at about 05 P.M., when the complainant Lovepreet Singh alongwith his mother had come to town Algon Kothi for taking medicine, then the accused Karamjit Singh @ Karma (petitioner), Gurjant Singh, Angrej Singh @ Geja, Gurcharan Singh @ Mohdi and Sarwan Singh @ Daman and 2 unknown persons armed with sickle, “Kirch”, baseballs and hockey came on motorcycle and they

all with common intention caused injuries to the complainant Lovepreet Singh with their respective weapons, due to which Lovepreet Singh sustained 12 injuries with different weapons on various parts of his body. In the meanwhile Gurmej Singh S/o Gurjant Singh also came on the spot, he and Kulwinder Kaur mother of Lovepreet Kaur saved Lovepreet Singh from the accused, who also witnessed the whole incident besides other shopkeepers having their shops nearby to the place of incident also witnessed this whole episode and have corroborated the same vide their respective statements got recorded during the investigation. Hence, gurjant Singh, Angrej Singh @ Geja, Gurcharan Singh @ Mohd, who were earlier declared innocent, now they have been found accused in the present Fir, however, no incriminating evidence has come on record with regard to involvement of Sukhjeet Kaur in the present FIR.”

Keeping in view facts and circumstances of the case, gravity of the crime and the manner in which it has been committed, this court is of the view that petitioner is not entitled to concession of bail at this stage. Besides, efforts are afoot to arrest rest of the accused. If investigation is still pending, same may be supervised by Inspector General of Police, Border Range, Amritsar. Prayer for bail is, however, rejected and petition is dismissed.

April 20, 2018

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No