

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

215

CRM-M-28588 of 2019 (O&M)

Date of decision: 30.08.2019

Kirpal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. B.S. Baath, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Kuldeep Sanwal, Advocate
for the complainant.

ANIL KSHETARPAL, J. (ORAL)

CRM-24714-2019

The statements recorded under Section 161 Cr.P.C. are taken
on record.

Application is allowed.

CRM-24718-2019

The offences under Sections 325 and 323 of the Indian Penal
Code are allowed to be added in the headnote and prayer clause of the
petition.

Office is directed to carry out necessary correction.

Application is allowed.

Main Case

Prayer in the petition is to grant regular bail in FIR No.29

dated 07.04.2019 registered under Sections 302, 307, 148, 149 of the Indian Penal Code, at Police Station Qadian, District Batala.

As per the allegations of the prosecution, Inderjit Singh was the Sarpanch of the village and the accused party was not happy with the same. On 07.04.2019, the petitioner with co-accused who are 5 in number, had attacked 4 persons and Navdeep Singh died in the aforesaid incident.

Learned counsel for the petitioner contends that the petitioner-Kirpal Singh as per the FIR has been attributed to have inflicted injury to the injured and not to the deceased. He further submits that as per FIR, the petitioner is allegedly shown to be in possession of handle of spade (dasta), however, in the statement under Section 161 Cr.P.C. of Bhupinder Singh-injured, Kirpal Singh is stated to have caught hold Bhupinder Singh and started giving fist blows. He has also referred to the statement of 2 other injured persons whose statements were recorded under Section 161 Cr.P.C. where no injury is alleged to have been inflicted by the petitioner.

On the other hand, learned State counsel has submitted that the police after investigation has found that the petitioner was member of the accused party and had actively participated in the offence. Hence, he submitted that the petitioner should not be granted concession of regular bail.

Learned counsel for the first informant (complainant) has submitted that the statements under Section 161 Cr.P.C. can be explained by the witnesses at the time of examination in Court. He further submitted that as many as large number of injuries had been caused to the deceased as well as the victims.

It is not in dispute that investigations qua the petitioner is

complete and the challan has been presented. The prosecution evidence is yet to start. The petitioner is in custody for a period of more than 4 months. He is not a previous convict. In fact, there is no other case against the petitioner and he is in judicial custody. At this stage, it would not be appropriate for this Court to express any opinion on merits of the case lest it may prejudice the case of any of the party.

Keeping in view the facts and circumstances of the case and after considering the arguments of learned counsel for the parties, this Court is of the view that the petitioner deserves to be granted concession of bail.

Without commenting on the merits of the case and keeping in view the fact that the trial of the case is likely to take a long time, the petitioner is directed to be released on regular bail subject to furnishing of adequate personal/surety bonds to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.

Accordingly, the present petition is allowed.

30.08.2019

D.Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No