

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

210

**CRM-M-12016-2020
Date of decision : 27.05.2020**

Harvir Singh @ Randhir Singh Dhira

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ashok Kumar Khunger, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab
for the respondent-State assisted by
ASI Faili Singh.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video-conferencing.

The petitioner has filed present (1st) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.0070 dated 11.05.2019 registered under Sections 148, 149, 308, 323, 447 and 506 of the Indian Penal Code, 1860 at Police Station Nihal Singh Wala, District Moga to which Section 307 of the IPC was added lateron.

As per allegations in the FIR, on 10.05.2019, Navdeep Singh son of Iqbal Singh was driving the tractor. Petitioner was sitting on the mudguard of tractor. Harpreet Singh @ Happy, was armed with kha. Randhir Singh @ Dheera and Nirmal Singh were armed with kasia. They came to the field of the complainant and started laying of vut (division) of in-let (khal) in the field of the complainant. On being objected, Baljit Singh @ Pappu made lalkara and asked Happy and others to hold the complainant and throw him in front of the tractor. Harpreet Singh @ Happy, Randhir Singh @ Dheera and Nirmal Singh while holding son of the complainant from his arms and legs

immediately threw him in front of the tractor. Then Baljit Singh @ Pappu Singh again exhorted and encouraged Navdeep Singh to run over the tractor over son of the complainant and finish the work. Navdeep Singh escalated the race of the tractor and brought it over the son of the complainant by crossing over the stomach and chest of son of the complainant. The police investigated the case and on investigation found Navdeep Singh to be innocent. The police filed charge-sheet against the petitioner and other co-accused. The case is pending for consideration of the application filed under Section 319 of the Cr.P.C. after examination of the complainant for summoning of accused Navdeep Singh.

The petitioner being in custody since 15.07.2019 has filed the present petition for grant of regular bail.

The petition has been opposed by the State in term of reply by way of affidavit of Manjeet Singh, PPS, Deputy Superintendent of Police, Nihal Singh Wala, District Moga received through e-mail which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has argued that the petitioner has been falsely implicated in the case due to civil dispute with the complainant. The petitioner along with his co-accused Harpreet Singh @ Happy and Nirmal Singh is alleged to have thrown injured in front of the Tractor driven by Co-accused Navdeep Singh, who is alleged to have run over the Tractor over the injured. On investigation the police found Navdeep Singh to be innocent which knocks out credibility of the complainant's version. The trial is likely to take long time. No useful purpose will be served by detention of the petitioner in custody during trial. Co-accused Baljit Singh @ Pappu has been granted bail by this Court vide order dated 25.02.2020. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has argued that the petitioner having committed heinous offence does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and role attributed to the petitioner, parity with co-accused Baljit Singh @ Pappu who had been granted bail vide order dated 25.02.2020 and the fact that trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.05.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No