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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1.

CRM-M-12364 of 2020
Date of decision : 05.06.2020

Kuldeep Singh @ Mitha Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

2.

CRM-M-12624 of 2020

Laddi Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

3.

CRM-M-12756 of 2020(O&M)

Sukhchain Singh @ Chani

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: Hon'ble Mr. Justice G.S. Sandhawalia

Present:- Mr. Arihant Jain, Advocate for the petitioner
(in CRM-M-12364 of 2020).

Mr. Aminder Singh, Advocate for the petitioner(s)
(in CRM-M-12624 of 2020 and CRM-M-12756 of 2020).

Mr. H.S.Grewal, Addl. AG, Punjab.

Mr. Jitender Pal Singh, Advocate for the complainant.

G.S. Sandhawalia, J. (Oral)

The matters have been taken up by way of Video Conferencing in view of Covid-19 situation as per instructions issued.

The petitioners namely Kuldeep Singh @ Mitha Singh son of Sukhdev Singh, Laddi Singh son of Bikkar Singh and Sukhchain Singh @

Chani son of Krishan Singh seek regular bail in FIR No.75 dated 11.7.2019 under Sections 302/506/148/149/120 B IPC registered at Police Station, Khanauri, District Sangrur.

The FIR has been lodged by Hakam Singh alleging that the deceased Gurtej Singh his son had friendship with Tarsem Singh and they used to hang around together. On 10.7.2019 a day earlier when his son had not returned, he had gone to the house of Tarsem Singh to call his son at 10.30 PM when he noticed both of them along with one Shamsher Singh @ Sheru were surrounded by nine accused which included the present petitioners. They were being beaten for making sound of cracker from the motorcycle/silencer. Even as per own version of the complainant, Ravi was having a sharp edge kirch and had given a blow which hit on the left side of the neck of Gurtej Singh who had fallen down and taken to the hospital where he died.

Counsel for the petitioners have brought to the notice of this Court that Sukhchain Singh and Kuldeep Singh had been discharged by the prosecution and referred to the order dated 5.10.2019 (Annexure P/3) of the JMIC whereby the said person along with one Vikram Singh were ordered to be released from custody. However, later on while committing the matter on 19.10.2019 (Annexure P/4), they were taken into custody. Resultantly, they got freedom only from 5.10.2019 to 19.10.2019.

The dates of arrest of petitioners no.1,3 are stated to be 27.7.2019 and petitioner no.2 is stated to be 13.7.2019. It has further been brought to the notice of this Court that similarly situated accused Gurdeep Singh @ Deepa who has been given an identical role as such to the petitioners has already been released on bail in **CRM-M-9675 of 2020** vide order dated 13.3.2020 (Annexure P/2). The ground prevailed with the

Coordinate Bench was that the fatal injury on the person of deceased has been attributed to Ravi and there was no no specific role which had been attributed upon Gurdeep Singh. It was noticed that the challan has been presented and considerable time is likely to take for completing the trial.

Admittedly the case is now pending for 10.7.2020 for framing of charge. It has also been brought to the notice of this Court that Sukhwinder Singh alias Lakhu, who was a juvenile had also been released on bail by a Coordinate Bench vide order dated 27.5.2020 passed in **CRR No.3398 of 2019**.

The injuries upon the person of deceased Gurtej Singh reads as under:-

- “1. Oblique stab wound of size 3 x 2.7 x 10 cm present on left side of neck with tailing distally, 11 cm below from left ear and 10 cm from Adam's apple. On exploration stab is communicating with left pleura major blood vessels and underlying part of lung, pleural cavity is filled with blood.
2. Reddish brown grazed abrasions of 1 to 2 cm present to distal dorsal part of left foot and on left knee.”

On the last date i.e. 3.6.2020, the CCTV footage was also scrutinized by this Court and the order passed reads as under:-

“The matters have been taken up by way of video conferencing in view of COVID-19 situation as per instructions issued.

Counsel for the parties have forwarded a CCTV footage as per the last order dated 27.05.2020, which has also been mentioned in the status report filed by the DSP, Moonak. The Court has gone through the said footage and the actual incident of the stabbing as such of the deceased has not been caught on the said CCTV though the footage is of people assembling earlier along with ladies and thereafter moving out of the zone of recording. Therefore, no benefit as such can be accorded to any of the persons from the said footage regarding which person had inflicted

the single blow.

To come up on 05.06.2020 for further arguments.

A photocopy of this order be placed on the connected files.”

Keeping in view of the above facts and since the co-accused who have been attributed similar role have been released on bail and the petitioners have been in custody for almost a year except for the period petitioner Sukhchain Singh and Kuldeep, who were released from custody by the Judicial Magistrate Ist Class, Moonak, and they have parity with co-accused Gurdeep Singh @ Deepa, this Court is of the opinion that the petitioners are liable to be released on bail.

Ordered accordingly.

Accordingly petitioners be released on regular bail to the satisfaction of the Illaqua/Duty Magistrate, Sangrur.

Accordingly the present petitions stand disposed of.

05.06.2020

Pka

(G.S. Sandhawalia)
Judge