

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-22564 of 2020

Date of Decision: 19.08.2020

Charanjit Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Manish Kumar Singla, Advocate
for the petitioner.

Mr. Dhruv Dyal, Senior Deputy Advocate
General, Punjab for the respondent.

Anil Kshetarpal, J.

The present petition has been filed for grant of regular bail to the petitioner pending trial in a criminal case arising from FIR No.88 dated 08.05.2020, registered under Section 447, 511, 302, 506 & 120-B IPC at Police Station Dirba, District Sangrur.

At the outset, it must be noticed that the police, after the conclusion of the investigation, has presented the challan under Section 304, 447, 427, 511 & 34 IPC.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Sangrur in the order dated 23.07.2020, which is extracted as under:

“From the police record, it is evident that the police machinery was set into motion by Sandeep Kaur @

Timmi (complainant) wife of Harwinder Singh @ Laadi against Charanjit Singh, Paramjit Kaur, Kulbir Singh, Multan Singh @ Bhola, Baljinder Singh (son) of Bhagwan Singh, Manjit Singh, Jaipal Singh (sons) of Multan Singh, resident of Laadbanjara, U/s 447, 511, 302, 506, 120-B IPC, P.S Dirba. It is evident that as per version of Sandeep Kaur @ Timmi (complainant), 3 Kanals of land situated at village Laadbanjara Kalan, was purchased by accused Paramjit Kaur from Kulbir Kaur (mother-in-law) for an amount of Rs.12 lacs, however, possession was not handed over to Paramjit Kaur, as full sale consideration was not paid by her, therefore, on the threats given by Paramjit Kaur party, status-quo order was obtained by way of filing civil case. As far as occurrence is concerned, it comes out to surface that on 08.05.2020, at about 8.30 A.M, when she went to terrace of her house, she found that one unidentified person was ploughing tractor, to which, cultivators were attached and in street adjoining thereto, one vehicle was parked by the side of which, there were 3 / 4 unidentified persons and a lady walking over there, therefore, sensing those unidentified persons have come to spot to take forcible possession, therefore, complainant informed Kulbir Kaur (mother-in-law) and duo proceeded toward fields by riding scootery followed by Gurwinder Singh (uncle) on motor-cycle and all the assailants by boarding car and tractor, then whisk away toward Nihalgarh. Manjit Singh after giving threats ran

towards field. Harwinder Singh @ Laadi (husband) of complainant also got attracted to spot by riding motor-cycle bearing no.PBBX-4394 make Bajaj CT-100 and he in order to identified assailants, had followed tractor, on which, driver of the tractor turned tractor suddenly towards village Laadbanjara Khurd, from Nihalgarh, and he was followed by Harwinder Singh uptill bus stand and he while plying the motor-cycle near tractor, then driver of the tractor with intention to kill him, suddenly applied breaks to tractor and applied reverse gear and hit Harwinder Singh, due to which, motor-cycle fell down and the cultivators pierced the forehead of Harwinder Singh and all of them fled away”.

Learned counsel for the petitioner contends that initially, seven accused were nominated by the first informant, however, the Prosecuting Agency found four persons to be innocent. He further submits that it is yet to be proved that whether the offence under Section 304 IPC is made out or not, particularly when it is the deceased who was chasing the tractor allegedly driven by the petitioner. He further submits that the petitioner is in custody since 09.05.2020.

On the other hand, learned State counsel has opposed the prayer for grant of regular bail to the petitioner. He further submits that after the conclusion of the investigation, the challan has been submitted in the trial Court and the prosecution intends to examine 36 witnesses on its behalf, however, till date no one has been examined.

Keeping in view the aforesaid facts of the case and without

commenting on the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate.

(Anil Kshetarpal)
Judge

August 19, 2020
“DK”

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