

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

1. CRM-M-24525 of 2020

Date of Decision: 21.12.2020

Sandeep @ Mona

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-32557 of 2020

Malkeet Singh @ Gurmeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.P. Soi, Advocate
for the petitioner(s).

Mr. Mehardeep Singh Dulat, Addl. AG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI, J.(ORAL)

Both these present petition(s) have been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioners in FIR No.95, dated 08.05.2020, under Sections 304, 34 and 188 of IPC, 1860 and Section 51(b) of Disaster Management Act, 2005, registered at Police Station Shahkot, District Jalandhar Rural.

Learned counsel for the petitioners has submitted that in the present case, the petitioners have been falsely implicated. He has further

submitted that even as per the FIR, the allegations are that when the deceased Charanjit Singh, who is the maternal uncle of the complainant was going on motor-cycle, when he reached Khajoor village Parjian Khurd then at that time he was on correct speed and in correct direction then one old man whose name later stated to be Baggi Ram was coming from wrong side and hit the motor-cycle of the uncle of the complainant and he fell down and thereafter, in the meantime, the petitioner with his brother who is the son of the aforesaid Bagga Ram came on the spot who beat their uncle Charanjit Singh (deceased) and he became unconscious and, thereafter, he was taken to the hospital and ultimately, he died.

Learned counsel for the petitioners has submitted that at the most, it was the case where an accident took place between Charanjit Singh (deceased) and Baggi Ram and as per the FIR registered, he fell down from the motor-cycle. So far as the allegations against the petitioners are concerned, it is only a concocted story in order to implicate the petitioners. He has also referred to the post-mortem report in which also it has been stated that on the basis of the statement made by the complainant that the death was caused due to the accident but in fact, the entire post-mortem report does not suggest any injury on any part of the body of the deceased and in fact he died because he fell down due to the accident.

Learned counsel for the petitioners has submitted that the petitioners are in custody for the last about 7 months and investigation in the present case is complete and challan has been presented. Therefore, further incarceration of the petitioner would not serve any useful purpose. He has further submitted that the petitioners are not involved in any other case and that the FIR as well as the post-mortem report on the face of it would not disclose any offence so far as the petitioners are concerned and

therefore, has prayed for grant of bail to the petitioner.

On the other hand, learned State counsel has submitted that so far as the custody of the petitioners are concerned, it is correct. He has also submitted that it is also correct that the investigation of the case is complete and challan has been presented and now the case is fixed for framing of the charges. He has further submitted that the petitioners are not involved in any other case. However, learned State counsel has opposed the grant of bail on the ground that it was a case where death took place on the road and therefore, the matter is serious in nature.

I have heard the learned counsel for the parties and have perused the record.

So far as the custody and the completion of the investigation of the present case is concerned, the same is an admitted position by the learned State counsel. Non-involvement of the petitioners in any other case is also admitted by the learned State counsel. As per the FIR, an accident took place between Charanjit Singh (deceased) and Baggi Ram. Baggi Ram is the father of both the petitioners. Learned counsel for the petitioners has also referred to Annexure P-2, in which the aforesaid Baggi Ram also sustained injuries and therefore, according to the learned counsel for the petitioner, it could have been a pure case of accident and both the petitioners being the sons of the aforesaid Baggi Ram, have been falsely implicated in the present case. So far as the roles of the petitioners, rightly or wrongly is concerned, the same shall be determined at the time of trial, if any. However, for the purpose of deciding the bail application various other factors and parameters are to be seen as to whether there is any likelihood of the petitioners influencing the witnesses and tampering with any evidence is there or not. Learned State counsel has not been able to satisfy this Court

that in case the petitioners are released on bail as to if there is any likelihood that the petitioners may tamper with any evidence and influence the witnesses. The investigation of the present case is already complete.

Therefore, considering the totality and facts and circumstances of the present case, without commenting anything upon the merits of the case, I deem it fit and proper to grant the concession of regular bail to the petitioners. Consequently, both the petitions are allowed. The petitioners shall be released on bail on their furnishing adequate bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

(JASGURPREET SINGH PURI)
JUDGE

December 21, 2020
Manpreet

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