

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

211

**CRM-M-30162-2020(O&M)
Date of Order: 06.10.2020**

Balwinder Singh @ Bitta

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Navjot Singh, Advocate,
for the petitioner.

Mr. Randhir S. Thind, DAG, Punjab

Ms. Arti, Advocate,
for the first informant/complainant

ANIL KSHETARPAL, J(Oral)

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.307, dated 13.11.2019, registered under Section 365/342/323/308/34 IPC and Section 3(1)(a) and 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (Section 302/120-B IPC added later on), at Police Station Lehra, District Sangrur.

While deciding two bail applications i.e. CRM-M-15581-2020 and CRM-M-17027-2020, filed by co-accused, this Court has noticed the case of the prosecution in the following manner:-

In this case, the FIR No. 307 was registered on 13.11.2005 under Section 365, 342, 323, 308 & 34 IPC (Section 302 & 120-B IPC and Section 13(1)(a) and 3(2)(v) of the Scheduled Caste and Scheduled Tribes

(Prevention of Atrocities) Act, 1989 (hereinafter referred to as "the 1989 Act") were added lateron) at Police Station Lehra, District Sangrur. Late Sh. Jagmail Singh son of Pritam Singh had stated that on 21.10.2019, he had a fight with Rinku son of Amarjit Singh and Jugnu son of Satpal Singh, which was later on settled. On 07.11.2019 at about 9.00 A.M. when he was present in the house of Gurdial Singh (Panch), Rinku, Lucky (Yadwinder Singh) and Beeta alias Binder Singh came to him and stated that they want me to accompany them to get medicine. Thereafter, Rinku and Beeta made him to sit on the motorcycle and took him to Rinku's house where Amarjit Singh was also present. Rinku, Beeta and Amarjit Singh beat him badly with wooden sticks and rods after tying him. He was tied for 2/3 hours. Thereafter, Laddi son of Puran arrived there and got him freed and sent home. He has been going to the Civil Hospital, Sangrur for treatment for the last 2/3 days, but he was not admitted there. Thereafter, his wife Manjit Kaur got him admitted in the Civil Hospital, Lehra on 10.11.2019, however, he came back home where Assistant Sub Inspector Gamdoor Singh recorded his statement but at that time, he was not in his senses. Yesterday, when he went to the Civil Hospital, Sangrur because of his ill health, he was further referred to Rajendra Hospital, Patiala. He further stated that when Rinku was beating him, in being asked for water but they went to the bathroom, collected their urine and made him to drink it."

Learned counsel for the petitioner while drawing attention of the Court to Ambulance log book contend that when the deceased was shifted to the hospital, it was recorded in the Log Book that the injuries are on account of railway track incident. He further submits that Jagmel Singh is alleged to have died on 16.11.2019, whereas the alleged occurrence is of 07.11.2019. He further drew attention of the court to the cause of death, which is reported to be due to '*Traumatic Gas Gangrene with Septic Shock with Rhaddomyolysis with Accute Kidney injury in a case of assault with wooden stick*'. He further submitted that in the medico legal report, the following statement of the deceased has been recorded:-

That on 27.10.2019 he had dispute with Rinku (son) of Amarjit Singh, Jugnu (son) of Satpal, which was

compromised. On 07.11.2019, at about 9:00 AM when he was sitting in the house of Gurdial Singh (Panch), Rinku, Lucky (son) of Goli and Beeta @ Binder Singh came to him and proclaimed him that Laadi had told them to get his treatment done, therefore, asked him to accompany them. Thereafter Rinku, Beeta stated to have made him sit on their motorcycle, however, brought him to the house of Rinku, where Amarjit Singh was present. Rinku, Beeta and Amarjit Singh stated to have tied him with pillar and gave him beatings with sticks and rods. Beeta was armed with 'danda', Rinku caught hold him from arms and Amarjit Singh, who was armed with iron rod. The trio had kept him tied for almost 2/3 hours. Laadi son of Puran Singh got rescued him. He stated to have been going to Civil Hospital Sangrur for 2/3 days, but did not get him admitted in the hospital. On 10.11.2019 Manjit Kaur (wife) had got admitted him in Civil Hospital at Lehra and from where he went back home, where his statement was recorded by ASI Gamdoor Singh, when he was not fully conscious and did not suffer that statement in detail and when his condition has deteriorated yesterday, he was again brought to Civil Hospital Sangrur from where he was referred to Rajindra Hospital Patiala. When Rinku was giving beatings to Jagmel Singh, then he demanded water from them, however Rinku made him to drink his urine in the bathroom."

On the other hand, Ms. Arti, Advocate, has appeared for the first informant and opposed the prayer.

The petitioner is in custody for approximately 7 months. On conclusion of the investigation, the police has already submitted its report under Section 173 Cr.P.C, however, charges are yet to be framed. The petitioner is not stated to be having any criminal antecedents. The conclusion of the trial is likely to take time.

Without commenting on the merits of the case and keeping in view the fact of the case as also the reasons recorded in the order dated 14.08.2020 while deciding bail application of the co-accused, the petitioner is also directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty

Magistrate, concerned.

Accordingly, the present petition is allowed with the aforesaid directions.

October 06, 2020
nt

(ANIL KSHETARPAL)
JUDGE

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