

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

SANJIV KUMAR SHARMA
2020-10-29 19:42
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authenticity of this document

Date of decision : 28.10.2020

CRM-M-30016-2019 (O/M)

Satnam Singh alias Laddi

..... Petitioner (s)

Versus

State of Punjab

..... Respondent (s)

CRM-M-48996-2019 (O/M)

Manjit Singh

..... Petitioner (s)

Versus

State of Punjab

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. G.S. Sandhu, Advocate
for petitioner in CRM-M-30016-2019.
Mr. Salil Dev Singh Bali, Advocate
for petitioner in CRM-M-48996-2019.
Mr. Balbir Singh Sewak, Additional A.G. Punjab.

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HARINDER SINGH SIDHU, J.

The case is taken up through video conferencing on account of COVID 2019.

By this common order, aforementioned criminal miscellaneous applications shall be decided as same are arising out of single FIR.

This is a petition filed under Section 439 Cr.P.C. for grant of bail in case FIR No. 82, dated 1.10.2018, registered under Sections 302, 506, 148, 149 IPC at Police Station Bahav Wala, District Fazilka.

FIR was registered on the statement of one Gulab Singh wherein he stated that his family owns 7 acre land in village Khuban. Due to waterlogging, they sold it and purchased 4 acre land in village Kullar. Later they sold the land as

well. Iqbal Singh, father of complainant entered into agreement with Jaspreet Kaur for purchase of her land measuring 2 ¼ acre in village Khuban for Rs. 7 lac. Manjeet Singh (accused) had threatened his father that if he purchased the land, then he would have to face the consequences. On 30.9.2018 at about 9.30 am, complainant and his father Iqbal Singh were present at their house. Labh Singh, Hardeep Singh, Gursewak Singh and Bhupinder Singh came to their house on trolley tractor and took his father along with them. The complainant and his nephew Palwinder Singh followed his father on motorcycle. When they reached on the road near the Labh Singh's farm, they saw Manjeet Singh (petitioner in CRM-M-48996-2019) and Satnam Singh alias Laddi (petitioner in CRM-M-30016-2019), Lovepreet Singh, son in law of Manjeet Singh and one unknown person were giving beatings to father of complainant. On seeing complainant and his cousin, they ran away. The father of complainant had suffered grievous injuries on his legs and arms. He was taken to Civil Hospital, Abohar for treatment and thereafter to Guru Gobind Singh Medical College, Faridkot where he died.

Learned counsel for petitioners has argued that as per FIR, petitioners and other accused were not alleged to be armed with any weapon. They only gave beatings to father of complainant on non vital parts. He further referred to MLR (Annexure P-4) as per which on being examined at Civil Hospital, Abohar, father of complainant was found to be calm, well oriented to time, place and person. 3 injuries have been noticed in MLR i.e.

- i) lacerated wound over right leg lower one third aspect size 4x0.8 cm vertical and one injury in middle one third area size 3x0.5 cm. Advise x-ray and ortho opinion.
- ii) Abrasion size 3x1 cm over left wrist area, advise x-ray.
- iii) Abrasion over left upper one third area and middle one third area, advise x-ray left leg latterly rotated. Advise x-ray.

Learned counsel for petitioner has argued that father of complainant is alleged to have died because of cardiac arrest occurred during treatment at Guru Gobind Singh Medical College, Faridkot. He has further argued that injuries are on the non vital parts. It is highly debatable as to whether offence under Section 302 IPC is made out against petitioners.

Petitioners are in custody since 1.10.2018. As of now, out of 22 witnesses, only 1 prosecution witness i.e. complainant has been examined. The trial of case has not made any headway because of COVID 2019.

In view thereof and without commenting anything on merit of case and the fact that trial of case may take a long time, no useful purpose will be served by detaining petitioners Manjeet Singh (CRM-M-48996-2019) and Satnam Singh alias Laddi (CRM-M-30016-2019) behind bars till the conclusion of trial. Accordingly, petitions are allowed. Petitioners Manjeet Singh and Satnam Singh alias Laddi are ordered to be released on bail on their furnishing bail and surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(HARINDER SINGH SIDHU)
JUDGE

28.10.2020

sjks

Whether reasoned order : Yes / No
Whether reportable : Yes / No