

CRM-M-44986-2019;
CRM-M-47918-2019;
CRM-M-48649-2019; and
CRM-M-2793-2020

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

(1) CRM-M-44986-2019
Hardeep Singh @ Deepu
...Petitioner

Versus

State of Punjab
...Respondent

(2) CRM-M-47918-2019
Sham Singh Daudhariya @ Sham Singh
...Petitioner

Versus

State of Punjab
...Respondent

(3) CRM-M-48649-2019
Lakhvir Singh
...Petitioner

Versus

State of Punjab
...Respondent

(4) CRM-M-2793-2020
Kishan Singh @ Raju and another
...Petitioners

Versus

State of Punjab
...Respondent

Date of Decision:5.2.2020

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr.L.S. Mann, Advocate
for the petitioner in CRM-M-44986-2019.

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Mr.G.S. Pannu, Advocate
for the petitioner in CRM-M-47918-2019.

Mr.B.S. Toor, Advocate
for the petitioner in CRM-M-48649-2019.

Ms.Satinder Kaur, Advocate
for the petitioners in CRM-M-2793-2020.

Ms.Amarjit Kaur Khurana, DAG, Punjab.

H.S. MADAAN, J.

By this order, I intend to dispose of four petitions i.e. CRM-M-44986-2019 filed by petitioner Hardeep Singh @ Deepu, CRM-M-47918-2019 filed by petitioner Sham Singh Daudhariya @ Sham Singh, CRM-M-48649-2019 filed by petitioner Lakhvir Singh and CRM-M-2793-2020 filed by petitioners Kishan Singh @ Raju and Charanjit Singh @ Channi, who are accused in FIR No.67 dated 7.8.2019, under Sections 186, 353, 427, 506, 148, 149, 379 IPC(Section 307 IPC added later on) and Section 21 of Mines and Minerals (regulation of Development) Act, 1957, registered with Police Station Ladhuwal, District Police Commissionerate, Ludhiana for grant of regular bail.

Briefly stated, facts of the case as per prosecution story are that Sh.Balwinder Singh – SDO - cum - Assistant District Mining and Mining Inspector had submitted a written complaint at Police Station Ladhuwal, Ludhiana stating therein that he along with other officials had gone to village Kharak Nurpur Bet, Ludhiana in an official vehicle for checking illegal mining; when they reached there, they saw that seven

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tractor trolleys loaded with sand were standing at the spot; they clicked the photographs of those tractor trolleys; Sham Singh Daudhariya and his associates along with the drivers of the tractor trolleys armed with iron rods and sharp edged weapons attacked them, raising lalkara that if they came to the spot again, then they would be killed. According to the complainant Balwinder Singh, SDO, he and other officials accompanying him received injuries, therefore necessary action be taken.

On the basis of such complaint, formal FIR No.67 dated 7.8.2019, under Sections 186, 353, 427, 506, 148, 149, 379 IPC and Section 21 of Mines and Minerals (regulation of Development) Act, 1957 was registered with Police Station Ladhuwal. Subsequently, offence under Section 307 IPC was also added. Accused Hardeep Singh @ Deepu, Sham Singh Daudhariya @ Sham Singh, Lakhvir Singh, Kishan Singh @ Raju and Charanjit Singh @ Channi were arrested in this case.

All the accused had filed applications before Court of Sessions at Ludhiana but were unsuccessful there, as such they have approached this Court seeking similar relief by filing of the petitions, notices of which have been issued to the respondent, who put in appearance through counsel.

I have heard learned counsel for the petitioners and learned State counsel besides going through the record.

First coming to CRM-M-44986-2019 filed by petitioner/accused Hardeep Singh @ Deepu. In the written reply in the form of affidavit of Assistant Commissioner of Police(West), Ludhiana,

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the details of various criminal cases against petitioner Hardeep Singh @ Deepu have been given. The total number of such cases is twelve. Several cases are under various provisions of IPC including for heinous offence like attempt to murder besides a case under NDPS Act; several cases are under Section 382 IPC. In many cases he has been convicted.

As regards CRM-M-47918-2019 filed by petitioner Sham Singh Daudhariya @ Sham Singh is concerned, he is also shown to be involved in 10 criminal cases, details of such cases have been given in the written reply.

With such type of criminal antecedents, the petitioners Hardeep Singh @ Deepu and Sham Singh Daudhariya @ Sham Singh can certainly be not granted benefit of regular bail. With such criminal antecedents and serious and grave allegations against them of assaulting public servants on duty causing injuries to them, they are not found to be entitled to grant concession of regular bail. There are reasonable chances of the petitioners Hardeep Singh @ Deepu and Sham Singh Daudhariya @ Sham Singh tampering with the prosecution evidence by giving threat/inducement to the prosecution witnesses, trying to abscond even and taking to path of crime again, if granted bail.

Therefore, CRM-M-44986-2019 filed by petitioner/accused Hardeep Singh @ Deepu and CRM-M-47918-2019 filed by petitioner Sham Singh Daudhariya @ Sham Singh are dismissed.

Now coming to CRM-M-48649-2019 filed by petitioner Lakhvir Singh and CRM-M-2793-2020 filed by petitioners Kishan Singh

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@ Raju and Charanjit Singh @ Channi. They are neither named in the FIR nor any specific part in the form of causing injury to any of the public servant is attributed to them. Furthermore, they are not shown to be involved in any other criminal case.

Though the challan against the accused has been filed but charge has not been framed. The conclusion of the trial is likely to take some time. The guilt of the petitioners shall be determined during trial.

Under the circumstances, I find it proper and appropriate if concession of regular bail is granted to the petitioners Lakhvir Singh, Kishan Singh @ Raju and Charanjit Singh @ Channi.

Accordingly, CRM-M-48649-2019 filed by petitioner Lakhvir Singh and CRM-M-2793-2020 filed by petitioners Kishan Singh @ Raju and Charanjit Singh @ Channi are allowed. The petitioners namely Lakhvir Singh, Kishan Singh @ Raju and Charanjit Singh @ Channi are ordered to be released on bail during the pendency of the trial, subject to their furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Ludhiana, on following conditions:

- (i) that they shall appear in the Court on each and every date of hearing;
- (ii) that they shall not give any threat or intimidation to the prosecution witnesses;
- (iii) that they shall not leave India without prior permission of the Court; and

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(iv) they shall surrender their passports and if they do not have passports then they shall furnish affidavits duly sworn in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioners do not abscond and interfere in the trial.

In case the petitioners Lakhvir Singh, Kishan Singh @ Raju and Charanjit Singh @ Channi violate any term and condition on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

5.2.2020
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No