

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

CRM-M-1659 of 2020

Date of Decision:-06.10.2020

Mehboob Khan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Parveen Mehta, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Mr. Vijay Lath, Advocate
for the complainant.

Through Video Conferencing

JASGURPREET SINGH PURI J.(Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail pending trial to the petitioner in case FIR No.89 dated 06.10.2017, under Sections 148, 149, 120-B and 302 IPC, registered at Police Station Banur, District Patiala.

As per the allegations, which have been contained in the FIR are that on 05.10.2017 a quarrel had taken place between Jarnail Singh with Mohinder Singh s/o Hans Raj with regard to some entering of cattle in the crops. Thereafter on 06.10.2017, one Gurdeep Singh @ Soni s/o Mohinder

Singh again started the dispute and as per the allegations contained in the FIR, who gave threat to Jatinder Singh (deceased in the present case) by calling the persons from outside and when Jatinder Singh @ Gelu was going to give information to the police on his motor-cycle and from behind a white coloured swift car crossed him, which was driven by Gurdeep Singh @ Soni and on the adjoining seat Sukhchain @ Channi was sitting and on the rear seat Sandeep Kaur, Mohinder Singh and Mahiboob Khan were sitting, who raised lalkaras from behind. Thereafter, the motor-cycle was stopped and ultimately the accused had given injuries to Jatinder Singh. As per the allegations Gurdeep Singh @ Soni and Mahiboob Khan gave blows of *toka* on Jatinder Singh, who fell down on the ground. Thereafter, Mohinder Singh (petitioner), Sandeep Kaur and Sukhchain Singh and one unknown person gave fist and legs blows to Jatinder Singh and thereafter Jatinder Singh after reaching the hospital, died.

Learned counsel for the petitioner has submitted that the petitioner was wrongly roped in the present case and he is innocent. He has further submitted that the petitioner is in custody since 07.10.2017, which is three years and therefore he may be considered for grant of bail.

Learned State counsel has submitted that the petitioner in the present case is the main accused and the role attributed to the petitioner was that he had given *toka* blow to the deceased alongwith other co-accused, namely, Gurdeep Singh. Learned State counsel has submitted that in the present case due to the injury attributed to the petitioner with *toka*, Jatinder Singh later on died in the hospital. He has submitted that keeping in view the direct allegations which have been made against the petitioner, he is not

entitled for grant of bail.

Shri Vijay Lath, learned counsel for the complainant has also supported the arguments raised by learned State counsel.

I have heard learned counsel for the parties.

In the present case, as per the FIR itself two accused have been attributed the main role of giving *toka* blow to the deceased, namely, Jatinder Singh and remaining three are attributed blow of leg and fist. These two accused are the petitioner and one Gurdeep Singh. During the course of arguments, learned State counsel has also submitted that even the recovery of *toka* has already been made and it is a case where death has occurred due to the injuries caused by *toka*.

The case is at the prosecution evidence stage. Although the period of incarceration of the petitioner is three years but that itself in the facts and circumstances of the present case, the role which is attributable to the petitioner, it would not be in the interest of justice to admit the petitioner on bail. Therefore, considering the totality of circumstances of the present case, the petition is hereby dismissed at this stage.

Octobere 06, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No