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

CRM-M No.2015 of 2021 (O&M)

Date of decision: 13.10.2021

Vipan Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.S. Salar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Gazi Mohd. Umair, Advocate
for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner in FIR No.0038 dated 18.06.2019 registered under Sections 308/34 IPC at Police Station Sandaur, District Sangrur.

The earlier one was dismissed as withdrawn on 03.03.2020.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of Balwinder Singh, it is stated that his father Labh Singh was working in Water Supply Works and he used to recover bill of the department from the people. Labh Singh used to share this information with the complainant regarding payment of bill of the inhabitants of village Sandaur and Gaurav, Bhuchar and their father Gogi used to raise a dispute with him regarding payment of the bill and rather used to abuse him, when Labh Singh asked them for payment of water bill, they threatened him by

saying that in case he demanded the bill in future, he will be killed. On 16.06.2019, the father of the complainant had gone to village Sandaur regarding work and recovery of the water bill and when his uncle told him that someone has caused injuries to Labh Singh and thrown him in the pond. The complainant along with his cousin Simanpreet Singh reached the pond and lifted his father and asked him about the incident, who told him that Gaurav, Bhuchar (petitioner – Vipan Kumar) have caused injuries to him. He was taken to the hospital where he died.

Counsel for the petitioner has further submitted that later on, the police recorded the supplementary statement of Balwinder Singh, in which he gave the name of the persons, who caused injuries to his father as Gaurav Kumar, Vipan Kumar @ Bhuchar (petitioner herein) and Manohar Lal @ Gogi. It is further submitted that this statement was recorded on 18.06.2019 and thereafter, on 03.07.2019, another statement was recorded that the accused removed the turban of the deceased and pulled him by holding his hairs and has desactlized him.

Counsel for the petitioner has also submitted that the petitioner is in custody since 01.07.2019 and the complainant has given a false version to implicate the petitioner in the present case and in the initial enquiry, it was found that thee was no intention of the petitioner to commit the offence.

Counsel for the State assisted by counsel for the complainant and on the basis of the affidavit of the Investigating Officer and the Custody Certificate, has not disputed the custody undergone by the petitioner, however, it is submitted that there is a

motive attributed in the FIR that the petitioner and other accused persons have threatened the deceased Labh Singh that if he comes and raise the demand of water bill. It is also submitted that on 30.06.2019 Labh Singh succumbed to the injuries sustained by him and thereafter, Section 302 IPC was added and accused were arrested. It is further submitted that Asha Rani, wife of co-accused Manohar Lal @ Gogi and Priyanka wife of co-accused Gaurav Kumar have given an application before the Inspector General of Police, Patiala, for conducting an enquiry and Manohar Lal @ Gogi, was not found present at the spot and thereafter, while submitting the challan Sections 304, 295, 34 IPC was added. It is also argued that the statement of the complainant is yet to be recorded and in case the petitioner is released on bail, he may try to tamper with the evidence and influence the prosecution witnesses.

After hearing the counsel for the parties and going through the contents of the FIR and the reply of the Investigating Officer, I find that serious allegations are levelled against the petitioner of causing injuries to Labh Singh for demanding the water supply bill as the deceased was working in the Water Supply Works at Sandaur. The deceased, later on, died on account of the injuries caused by the accused persons and the statement of the prosecution witnesses including the complainant is yet to be recorded, therefore, I find no ground to grant the concession of regular bail to the petitioner.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

13.10.2021

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No