

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

CRM-M-7182-2021 (O&M)

Date of Decision: 19.02.2021

Baljit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Mayank Mathur, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Gulab Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.50 dated 08.05.2020 at Police Station Sadar, Faridkot, under Sections 302, 148, 149 IPC.
2. The FIR in question was lodged at the instance of Paramjit Kaur, wherein it is alleged that her husband had already expired and that she has two sons and two daughters. Her son Sukhdev Singh is a drunkard and that she usually stays with her daughter. On 07.05.2020 at about 11.00 AM, she had come to her village and saw that her son Sukhdev Singh was drunk and was roaming around in the street and was speaking in a loud voice. The complainant took her son inside and went about doing her work. At about 7.30 PM, her son went outside and again started blurting something to their neighbour Jagjit Singh. It is alleged that in the meantime, Bant Singh carrying a spade (*kassia*), Gurjant Singh

carrying a baseball bat, Nirmal Singh also carrying a baseball bat, Jagjit Singh and Billa, both empty handed, came there. Jagjit Singh raised a *lalkara* exhorting his companions to teach Sukhdev Singh a lesson for hurling abuses everyday. Upon raising of said *lalkara*, Bant Singh is alleged to have given a blow with spade on the right side of Sukhdev Singh's head as a result of which he fell down. While he was lying down, Bant Singh gave another blow on the left side of his head. Thereafter, Gurjant Singh hit Sukhdev Singh with baseball bat on his face and gave another blow on his left shoulder. Nirmal Singh is stated to have given a blow with baseball bat on the right side of Sukhdev Singh's abdomen. Bant Singh gave another blow with spade on the left ankle of Sukhdev Singh. When the complainant moved forward to rescue her son, Jagjit Singh pushed her and she fell down. When complainant's son tried to get up, Bant Singh again gave a blow with spade on his right ankle. When the complainant raised alarm, several other persons were attracted to the spot and the accused thereafter ran away from the spot with their respective weapons.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that even if the allegations as levelled in the FIR are taken to be correct, still it is very clear from the FIR that the petitioner was empty handed and is not attributed any overt act and is not stated to have either exhorted his companions or caused any injury to the deceased.
4. Opposing the petition, learned State counsel has submitted that the petitioner is specifically named in the FIR and in fact when the FIR

was lodged, the complainant Paramjit Kaur was in a state of shock, but subsequently in her supplementary statement (Annexure P-3), she has clarified as regards the role of the petitioner and as per which the petitioner was armed with a *kahi* and had given a blow with the same on the back of the deceased. It has, thus, been submitted that the petitioner does not deserve the concession of bail. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 9 months and that he is not involved in any other case.

5. I have considered rival submissions addressed before this Court.
6. Although the petitioner is specifically named in the FIR, but as per FIR, he is not armed and is not even stated to have caused any injury to the deceased. The complainant in her supplementary statement, which somehow does not bear any date, has subsequently improved upon her statement by stating that the petitioner was carrying a *kahi* and had given a blow with the same on the back of the deceased. The veracity of the said allegations would be debatable. In any case, the cause of death cannot be attributed to the petitioner, who had caused an injury on the back of the deceased since the post-mortem report specifically specifies that it is the injuries on the head which resulted into his death.
7. Keeping in view the aforesaid position and while noticing the fact that the petitioner as on date has been behind bars since the last about 9 months and is not even stated to be involved in any other case, no useful purpose would be served by further detaining the petitioner behind bars as the trial in its normal course is likely to

take some time for its conclusion. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

19.02.2021

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**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**