

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

102-A

CRM-M-13163-2021

Date of decision: 08.04.2021

Hardeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Preetinder S. Ahluwalia, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for the respondent-State.

Mr. Gopal Singh Nahel, Advocate
for the complainant.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.165 dated 22.08.2020 registered under Sections 304, 307 and 323 read with Section 34 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Ahemadgarh, District Sangrur.

Briefly stated, the above said FIR was registered on statement of Hari Singh. In his statement, Hari Singh inter alia alleged that on 19.08.2020 at about 08:30 P.M. on hearing the noise he along with his wife Baldev Kaur went out of the gate of his house and saw

accused Gurvir Singh and his father Hardeep Singh (the petitioner) grappling with his grandsons Gurdeep Singh and Sarpreet Singh. On hearing the noise, many villagers and Sarpanch Gurpreet Singh reached the spot. The petitioner exhorted Gurmail Singh to run his car over them on which Gurvir Singh drove the car and he and his grandsons stepped aside but his wife Baldev Kaur was dragged who suffered injuries and subsequently died due to the same. Gurvir Singh and the petitioner left the car and fled from the spot. Harinder Singh was sitting in the car but he had no role in the fight. He (complainant Hari Singh) did not want any action to be taken against Harinder Singh. The police investigated the case, arrested the petitioner and on completion of investigation filed charge-sheet against him.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel and learned Counsel for the complainant. However, no reply has been filed by the respondent-State and the complainant.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant and gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner is alleged to have grappled with grand sons namely Gurdeep Singh and Sarpreet Singh of the complainant and to have exhorted his son Gurmail Singh to run over the persons from the complainant side. No other overt act is attributed to the petitioner. Baldev Kaur is alleged to

have died due to running over of her by the car driven by co-accused Gurvir Singh. The petitioner is not alleged to have caused any injury to any of the persons from the complainant side. The trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel and learned Counsel for the complainant have submitted that the petitioner is the main accused who authored the crime by exhorting his son Gurmail Singh to run over the persons from the complainant side. Accordingly, Gurvir Singh ran over the car on Baldev Kaur, dragged her and caused her death. In view of nature of accusation and gravity of the offence, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, role attributed to him of grappling with grand sons of the complainant and exhorting his son to run over the car over persons from the complainant side, the fact that he is not alleged to have caused any injury to any person from the complainant side and also the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of

personal and surety bonds to the satisfaction of the trial Court/Chief
Judicial Magistrate/Duty Magistrate concerned.

08.04.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No