

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

(I) CRM-M-14575-2021 (O&M)

Date of Decision:- 25.11.2021

Nirmal Singh ... Petitioner

Versus

State of Punjab ... Respondent

(II) CRM-M-36390-2021 (O&M)

Gurjant Singh @ Janta ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Devinder Kaushal, Advocate, for the petitioner(s).

Mr. Harbir Sandhu, AAG, Punjab,
assisted by ASI Gurmeet Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned two petitions wherein petitioners Nirmal Singh and Gurjant Singh @ Janta, seek grant of regular bail in a case registered vide FIR No. 50, dated 8.5.2020, 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(s) has submitted that even as per the allegations levelled in the FIR, both the aforesaid petitioners are alleged to be carrying baseball bats and that it is co-accused Bant Singh who is alleged to be carrying a spade and is stated to have given a blow with the same on the head of the deceased as a result of which he fell down. It has been submitted that while Nirmal Singh is alleged to have given a blow with baseball bat on the right side of deceased Sukhdev Singh's abdomen, Gurjant Singh is stated to have given two blows with baseball bat on the face and left shoulder of the deceased. It has thus been submitted that the fatal blow is thus attributed to non-applicant Bant Singh as would also be evident from the post mortem report.
4. On the other hand, learned State counsel has submitted that since both the petitioners are specifically named in the FIR and are alleged to be duly armed with baseball bats and are also attributed injuries to the deceased their complicity is clearly evident and that even if it is assumed that the fatal blow is attributed to another co-accused, the petitioners would in any case be held vicariously liable having accompanied the co-accused and also having caused some injuries to the deceased. Learned State counsel has however, informed that both the petitioners have been behind bars for the last about 1 year and 6 months and that they are not wanted in any other case. It has further

been informed that while charges have been framed against the accused by the trial Court, but none out of the cited 35 PWs has been examined so far.

5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that the petitioners are duly named in the FIR and specific allegations have been levelled against them to the effect that they had caused injuries to the deceased with baseball bats on face, shoulder and abdomen but the fatal injury with the help of spade i.e. on the head of the deceased is attributed to Bant Singh. In any case the petitioners have been behind bars for a substantial period of about 1 year and 6 months and are otherwise stated to be having a clean record. Conclusion of trial is likely to consume time as not even a single PW out of the cited 35 PWs has been examined so far. In these circumstances further detention of the petitioners will not serve any useful purpose. Both the petitions, as such are accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. A photocopy of this order be placed on the file of each connected case.

25.11.2021

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No