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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.14889 of 2021 (O&M)

Date of decision: 22.07.2021

Surinder Singh @ Kali

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. G.S. Randhawa, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.111 dated 30.05.2018 registered under Sections 302, 34 IPC at Police Station Rama Mandi, Police Commissionerate, Jalandhar, District Jalandhar.

Counsel for the petitioner has argued that the FIR was registered on the statement of Maddi with the allegations that his son Rajesh used to do labour work with a scrap dealer Babu and on 29.05.2018, his son had gone to his shop and at about 06:00 PM, when his wife had gone to the shop of Babu to send Rajesh back to home, however, he stated that he will be back after some time. Thereafter, the complainant received an information that some persons disguised as Sadhus are beating his son. When he reached on the shop of Babu, he saw 04 male Sadhus and one female were beating his son. Out of them, 02 Sadhus were known to him namely Sher Dass and Gopi Dass and the lady was Nirmal Kaur @ Nimmo, however, he did not know the name

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of other 02 Sadhus. Thereafter, the complainant along with other persons rescued his son, who was unconscious and took him to a hospital. As his condition deteriorated, he was taken to Civil Hospital, Jalandhar, where he was declared dead.

Counsel for the petitioner has further submitted that the petitioner was not named in the FIR and later on, he was nominated in the case on the basis of the disclosure statement of the aforesaid accused persons, who were named in the FIR. It is further submitted that the petitioner is in long custody and the statement of the eye-witnesses has already been recorded and therefore, there is no possibility of tampering with the evidence.

Counsel for the State has filed the Custody Certificate along with the affidavit of the Investigating Officer. It is stated in the affidavit that during the investigation, the name of the petitioner surfaced on the disclosure statement of the co-accused. It is further stated that as per the statement of PW-1 Babu, the scrap dealer, with whom Rajesh was employed, has stated that the accused persons started giving beatings to him and he made a telephone call. In the meantime, Shiva and Maddi, father of the deceased Rajesh, came there and later on, he died when he was taken to Civil Hospital, Jalandhar. This witness has identified all the accused persons present in the Court, who have caused injuries to deceased Rajesh.

Counsel for the State has also referred to the statement of PW-2, Maddi, father of the deceased Rajesh, who has also stated that he identified Sher Dass, Gopi Dass, Nirmal Kaur and the petitioner – Surinder Singh, as the assailants, who have caused injuries to his

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deceased son. Counsel for the State has, thus, argued that the disclosure statement made by the co-accused was followed by the nomination of the petitioner in the case and they were duly identified by 02 eye-witnesses in the Court.

After hearing the counsel for the parties and going through the affidavit of the Investigating Officer as well as the statement of 02 PWs, who have duly identified the accused persons as the assailants, who have committed murder of the deceased Rajesh, I find no ground to grant the concession of regular bail to the petitioner merely on the ground that he is in long custody.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

22.07.2021
yakub

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