

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

CRM-M-15718 of 2021 (O&M)
DATE OF DECISION :- July 06, 2021

Jaswinder Singh alias Phoola

...Petitioner

Versus

State of Punjab

...Respondent

CRM-M-19824 of 2021

Sukhdeep Singh alias Sukha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. J.K. Singla, Advocate for the petitioner(s).

Mr. J.S. Ghuman, DAG, Punjab.

CRM No.18184 of 2021 in
CRM-M-15718 of 2021

The case has been taken up through Video Conferencing.

This is an application for early hearing of the main case fixed
for 15.9.2021.

Heard.

For the reasons mentioned in the application and in the interest
of justice, the application is accepted. The petition is taken up today for
hearing along with connected petition bearing CRM-M-19824 of 2021.

My this order shall dispose of two petitions for grant of regular bail bearing CRM-M-15718 of 2021 filed by Jaswinder Singh alias Phoola and CRM-M-19824 of 2021 filed by Sukhdeep Singh alias Sukha, both of them accused in an accused in F.I.R. No. 117 dated 23.4.2020 registered with Police Station Sadar Mansa, District Mansa for offences under Sections 307, 341, 323, 148, 149, 188, 269 IPC and later on offence under Section 302 IPC and 325 IPC was added.

Briefly stated the facts of the case as per prosecution story are that complainant Iqbal Singh, aged about 35 years, son of Darshan Singh, resident of Village Chahlanwali, in the statement made by him to the police stated that he has got wheat husking machine and he had engaged labourers from Village Bheniwal for working on that machine. Some persons from his village raised an objection and asked the labourers not to do work in their village. On 22.4.2020 at about 9.00 P.M. in the evening, when Iqbal Singh along with his brother Jaspreet Singh, Jagveer Singh son of Karamtej Singh and Gurveer Singh @ Mota were returning home after getting free from work and they had turned towards their village Bheniwal side near minor canal bridge, there was enough light on account of glowing of a bulb from nearby electricity pole. Then Kuldeep Singh @ Keepa son of Bogha Singh, Sukha Singh son of Dev Singh (present petitioner) Jagga Singh son of Tirath Singh, Harjit Singh son of Tirath Singh, Dharmi Singh son of Gurpreet Singh along with 3-4 unknown persons were found standing on the road. They intercepted the complainant and the persons going along with him. Kuldeep Singh @ Keepa gave rod blow to complainant Iqbal Singh hitting him on right side of head. Jagga Singh gave dang blow to the complainant hitting him on head. When Jaspreet Singh, Jagveer Singh and

Gurveer Singh intervened to protect the complainant then Kuldeep Singh gave rod blow to Jagveer Singh hitting him on the head. Resultantly, Jagveer Singh fell down. Thereafter the assailants caused injuries to the complainant on his head, legs and arms. The injuries were also caused to Jaspreet Singh and Gurveer Singh. On alarm being raised by the injured when several people started gathering at the spot then the assailants ran away along with their respective weapons. The injured were taken to the hospital.

On statement of Iqbal Singh formal F.I.R. was registered for offences under Sections 307, 341, 323, 148, 149, 188, 269 IPC. Jagveer Singh succumbed to the injuries suffered by him in the incident, as such offence under Section 302 IPC was added. The investigation in the case started. The petitioners accused were arrested on 26.4.2020. They have filed applications for regular bail before the Court of Sessions at Mansa but the same were dismissed, as such they have approached this Court craving for grant of similar relief. Notice of that petition has been given to the State.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Though as per the prosecution story, petitioner Sukhdeep Singh alias Sukha was armed with a dang and Jaswinder Singh alias Phoola was armed with an iron rod at the time of incident but no specific injury has been attributed to them. The fatal blow to victim Jagveer Singh (deceased) is said to have been given by Kuldeep Singh co-accused of the present petitioners. Gurwinder Singh @ Dharmi, Harjit Singh and Sukhpreet Singh co-accused of the present petitioners, who were similarly placed have since

been granted concession of regular bail. Gurwinder Singh @ Dharmi has been granted bail vide order dated 11.1.2021 passed in CRM-M-34214 of 2020 (Annexure P1), Harjit Singh and Sukhpreet Singh in CRM-M-4893 of 2021 have been granted bail on 16.3.2021. Though the challan in this case is said to have been filed and charge has been framed but as stated by learned State counsel on instructions from ASI Mukhtiar Singh, out of 20 prosecution witnesses cited none of them has been examined during the trial so far. In that way the conclusion of trial is likely to take considerable time especially when the Courts are working in a restricted mode on account of outbreak of Covid-19. Learned State counsel on instructions from ASI Mukhtiar Singh has stated that petitioner Jaswinder Singh alias Phoola does not have any past criminal record whereas Sukhdeep Singh alias Sukha is involved in a case under Punjab Excise Act.

I find that both the petitions deserve to be accepted, the same are allowed. Petitioners Jaswinder Singh alias Phoola and Sukhdeep Singh alias Sukha are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Mansa subject to the following conditions :-

- (i) they shall appear in the Court on each and every date of hearing.
- (ii) they shall not give any threat or intimidation to the prosecution witnesses.
- (iii) they shall not leave India without prior permission of the Court and shall surrender their Passports, if they have got one, otherwise to furnish affidavits in that regard.
- (iv) they shall not indulge in any criminal activity.

In case the petitioners violate any term and

condition on which the bail has been granted to them, the prosecution would
be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

July 06, 2021
p.singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No