

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

213

**CRM-M-18161-2021
Date of decision: 30.06.2021**

Narinder Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Bhanu Pratap Singh, Advocate
for the petitioner.

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

Mr. Arnav Sood, 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.92 dated 03.10.2020 registered under Section 302 read with Section 34 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Gardhiwala, District Hoshiarpur to which Sections 323 and 341 of the IPC were added lateron.

Briefly stated the prosecution version as contained in the above referred FIR is that on 02.10.2020, complainant Harwinder Singh was returning to his village on his motorcycle along with Daljit Singh. When they reached at the turning point of the street leading to the house of the Sarpanch, Paramjit Singh @ Pamma and the petitioner armed with dangs and Rahul Singh Rana armed with datar were standing there. Paramjit Singh @ Pamma and the petitioner came in

front of his motorcycle and encircled them. Paramjit Singh @ Pamma pulled out keys of his motorcycle. The petitioner exhorted to teach them a lesson and kill them. Daljit Singh stood in the side after alighting from the motorcycle. Rampal father of Daljit Singh also came there. Rahul Singh Rana inflicted blow with datar aiming the head of Daljit Singh but he raised his hand and the blow fell on his hand due to which wrist of Daljit Singh was partly severed resulting in its hanging from the arm. Rampal, father of Daljit Singh, took him away from there. Thereafter, Rahul Singh Rana inflicted blow with datar from its reverse side on his wrist due to which he fell down from the motorcycle. Thereafter, Rahul Singh Rana inflicted blow with datar from its reverse side on his back on right side of his shoulder and on right thumb. Then, the petitioner inflicted blows with dang on his right ear and right and left shoulders. When he raised alarm, the assailants fled from the spot with their respective weapons. Gurpreet Singh got him admitted in PHC Bhunga. Daljit Singh was got admitted in IVY Hospital, Hoshiarpur where he succumbed to the injury later. The motive for the occurrence was the minor altercation which had taken place between the complainant and the accused some time ago.

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

The petition has been opposed by the respondent-State in terms of short reply filed by way of affidavit of Gurpreet Singh, PPS, Deputy Superintendent of Police (Head Quarter), Hoshiarpur-cum-Incharge Sub-Division Tanda, District Hoshiarpur in the Registry of this Court, which is taken on record.

The petition has also been opposed by the complainant. However, no reply has been filed by the complainant.

Custody certificate has been filed by the learned State Counsel through e-mail print out of which is taken on record.

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

Learned Counsel for the petitioner has submitted that the petitioner, who is 55 years of age, has been falsely implicated in the case. In his statement dated 03.10.2020 the deceased had alleged that Rahul Singh Rana had caused injuries to him and had not named the petitioner to be one of the assailants. Even otherwise, as per the prosecution version, the petitioner was armed with dang. The petitioner is not alleged to have caused any injury to the deceased. The petitioner is alleged to have caused injuries to complainant Harwinder Singh which injuries were on non-vital parts of the body and were declared to be simple in nature. The trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19. No useful purpose will be served by further detention of the petitioner in custody. 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 exhorted his his co-accused to kill the complainant and Daljit Singh and the petitioner along with his co-accused caused injuries to the complainant and also to Daljit Singh which resulted in his death. The petitioner actively participated in the occurrence. In view of the nature of

accusation and gravity of the offences, 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 and the fact that the petitioner is not alleged to have caused any injury to deceased Daljit Singh and that vital injury caused to deceased Daljit Singh is attributed to co-accused Rahul Singh Rana coupled with the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread 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.

Accordingly, 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.

30.06.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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