

CRM-M-19703-2021

THROUGH VIDEO CONFERENCE

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

**CRM-M-19703-2021.
Decided on: June 10, 2021.**

Gurmeet Singh

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Mohit Sadana, Advocate,
for the petitioner.**

Mr.H.S.Multani, AAG, Punjab.

JASGURPREET SINGH PURI, J.

The present case has been heard through video conference.

This is a petition filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in case FIR No.34 dated 5.4.2021, under Section 302, 148 and 149 IPC, registered at Police Station Sadar, Ahmedgarh, District Sangrur.

As per the FIR which was lodged on the basis of the

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statement of Kashmiro wife of Late Joginder Singh, resident of Matoi, on 2.4.2021, the husband of the complainant had left home for his work at 9:00 A.M. and was going to Malerkotla by taking a lift from passerby and sat on his bike. At some distance near the flour mill at the Malerkotla road of their village, one Sukho wife of Surjit Singh of their village stopped the motorcycle by raising hand and took off her husband Joginder Singh from the motorcycle. Afterwards at that time Surjit Singh son of Balkar Singh and Sethi son of Surjit Singh reached at the spot and gave beatings to her husband. These three persons took her husband Joginder Singh to the house of Surjit Singh. In the house of Surjit Singh, Meet son of Balkar Singh, Pinky wife of Meet Singh, Gurmeet Singh son of Balkar Singh (petitioner), resident of Matoi and Lalddi son of Naiti, were already present and all of them gave beatings to her husband with *dandas* and *sticks* and caused injuries on his body with the intention to kill her husband. When her husband reached their house, then he told about the incident to her and on 3.4.2021, she took her husband to the nearest Civil Hospital at about 5:00 P.M. from where due to severe injuries, her husband was referred to Civil Hospital, Malerkotla, where her husband was under treatment and succumbed to injuries and died on 4.4.2021 at about 11/11:30 P.M.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. There is no attribution to the petitioner with regard to causing of any injury. He has submitted that the petitioner was nowhere involved in the entire incident if at all it happened. He has further referred to Annexure P-4 which is a

certificate issued by the Gram Panchayat, village Matoi in which it has been certified that the petitioner was resident of village Matoi, Tehsil Malerkotla, District Sangrur, but he has left his residence from village Matoi and is presently residing with his family in Kup Kalan. Said Gurmeet Singh son of Balkar Singh has left his village on 1.11.2020 and now is residing in village Kup Kalan from 1.11.2020 in a rented accommodation. Learned counsel has further submitted that only to extract money from the family of the petitioner, the present FIR has been lodged in which the petitioner has been involved and therefore, the learned counsel has prayed for the grant of anticipatory bail to the petitioner.

On the other hand, learned State counsel while relying upon the status report dated 26.5.2021 filed by way of affidavit of Mr. Rajan Sharma, PPS, Deputy Superintendent of Police, Sub Division, Ahmedgarh, District Sangrur, has submitted that direct role has been attributed to the petitioner who was present in the house where a group of persons had beaten the deceased Joginder Singh. All the persons mentioned in the FIR including the petitioner had given beatings to the deceased Joginder Singh with *dandas* and *sticks* with an intention to kill him and due to which Joginder Singh received multiple injuries on his body and thereafter, he was admitted in Civil Hospital, Malerkotla, where he succumbed to his injuries on 4.4.2021. He has further submitted that it was on the basis of the statement of Kashmiro wife of the complainant that the present FIR No.34 dated 5.4.2021, was lodged under Sections 302, 148 and 149 IPC. Learned State counsel has further submitted that the investigation in the present case

was conducted and the investigating officer had gone to the place of occurrence and prepared the site plan and as per the MLR of Joginder Singh, 17 (seventeen) injuries were found on his body and all injuries were caused with blunt weapons and kept under observation except injury No.5. He has submitted that on 6.4.2021, post mortem of dead body of Joginder Singh was conducted at Civil Hospital, Malerkotla, by a Board of Doctors and 5 (five) external injuries were found on the body. Apart from above, fracture of left tibia was present and the cause of death is intra abdominal bleeding due to splenic rupture which is sufficient to cause death in the ordinary course of nature. Learned State counsel has further referred to the affidavit filed by the State to contend that the petitioner along with number of other persons had inflicted 17 injuries on the person of Joginder Singh which ultimately led to his death. Learned State counsel has submitted that the remaining co-accused are yet to be arrested in the case and *dandas* and *sticks* are also to be recovered and therefore, the custodial investigation of the petitioner is required to facilitate the proper investigation as such, learned State counsel has prayed for dismissal of the present petition for anticipatory bail.

I have heard the learned counsel for the parties.

In the present case, as per FIR and investigation conducted thereon, there is direct role attributable to the petitioner. As per the allegations in the FIR, the petitioner along with a number of other persons had jointly given beatings to the deceased Joginder Singh with *dandas* and *sticks* causing 17 injuries on the body of the deceased who

ultimately died while under treatment at Civil Hospital, Malerkotla. It is the categorical stand of the State that custodial investigation of the petitioner in the present case is required. Recovery of *dandas* and *sticks* used in the crime is yet to be effected. Apart from the same, even the remaining co-accused are yet to be arrested in the present case. There is nothing on the record to presume, at this stage, that the petitioner has been named in the FIR only for the purpose of extorting money and therefore, the argument raised by the learned counsel for the petitioner cannot be accepted at this stage. The certificate of Panchayat relied upon by the petitioner would not be of any help to the petitioner at this stage of considering the anticipatory bail.

Therefore, considering the totality of the circumstances of the present case, I do not deem it fit and proper to grant the concession of anticipatory bail to the petitioner and consequently, the present petition is hereby dismissed.

However, it is made clear that aforesaid observations of this Court are only for the purpose of deciding the present petition and will not in any manner whatsoever reflect on the merits of the case.

June 10, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No