

Sr.No.207

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

**CRM-M-22067 of 2020(O&M)
Date of decision:04.01.2021**

Joginder @ Gora

... Petitioner

versus

State of Haryana

... Respondent

Balkar Singh

CRM-M-24357 of 2020

.... Petitioner

versus

State of Haryana

..... Respondent

Vikram

CRM-M-24404 of 2020

.... Petitioner

versus

State of Haryana

... Respondent

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. Priyavrat Parashar, Advocate,
Mr. Saurabh Sharma, Advocate and
Mr. Fateh Saini, Advocate
for the petitioners.

Mr. Munish Sharma, AAG, Haryana.

Through Video Conference

Jasgurpreet Singh Puri, J.(Oral)

These three bail petitions bearing CRM-M-22067 of 2020, CRM-M-24357 of 2020 and CRM-M-24404 of 2020 are being taken together in view of the fact that all the three petitioners are involved in the same FIR No.109, 22.06.2019

registered under Sections 148, 149, 302, 341 and 120-B of IPC and Section 3 of the SC and ST Act at Police Station Sadar Kaithal, Haryana.

The facts which have come up in the present case are that FIR was lodged on the basis of statement of one Joni Kumar son of Kartara Ram resident of village Dhouns Police Station Sadar Kaithal by stating that about one month back an altercation of their family had taken place with the family of Bhula Ram whereby both the parties were challaned at Police Station Sadar Kaithal. On 22.06.2019 son of the uncle of the complainant namely, Jarnail Singh son of Prem Singh (deceased) resident of Dhouns at about 6-7 hours after playing cards outside Baba Balak Das Temple was coming back to his home. When he reached near Pundri Road near Country Wine shop then at the same time, amid old grudge, one Ram Mehar @ Minkle Star son of Balkar, Jagtar, Vikram, Sultan sons of Bhulla Ram, Shani and Raj sons of Ishma Ram, Ajay son of Suresh, Rahul son of Karambir all residents of Dhouns, Ajay Pandit son of Sandhan and other person who were carrying their respective weapons in their hands stopped the son of his uncle namely, Jarnail Singh(deceased) and started inflicting injuries to him, as a result of which he fell down and the when the complainant came to know about the same then injured rushed to the spot and saw that his uncle Jarnail Singh was laying on the ground inverted face, Ram Mehar @ Minkel Star son of Balkar while saying that today they will teach him a lesson for injuring his grandfather and then he attacked with ghandasi which he was carying in his hand onthe backside of head of Jarnail Singh(deceased) and Jagtar hit with his gandasi on the elbow and wrist and all other persons inflicted alot of injuries with their respective batons, sticks to Jarnail Singh uon his waist and body. Therafter, alot of people came out of village from their respective houses upon seeing them Remehar and all the others fled away from the spot with their respective weapons.

All the aforesaid persons were having old grudge and have murdered son of his uncle by inflicting injuries with their respective weapons.

Learned counsel for all the petitioners have submitted that the petitioners were not named in the FIR. They have been falsely implicated in the present case. Learned counsels has further submitted that in fact a perusal of the FIR would show that the principal accused was Ram Mehar @ Minkle Star and some other persons who have been specifically mentioned in the FIR and so far as the petitioners are concerned they have been falsely implicated by the police in the present case. They have further submitted that they were arrested by the police on 24.06.2019 on the basis of disclosure statement made by the co-assued, namely Bhulla Ram and they are now suffering long incarceration and therefore, may be considered for the grant of regular bail. They have further submitted that investigation of the present case is already complete and the complainant has already been examined and the petitioners were implicated only for the purpose of blackmailing them.

On the other hand, learned State counsel has submitted that reply has been filed by way of affidavit of Deputy Superintendent of Police, AEC Kaithal, District Kaithal on behal of State of Haryana. While referring to the aforesaid affidavit learned State counsel has submitted that postmortem of examination of the Jarnail Singh was conducted by Board of Doctors at General Hospital, Kaithal on 23.06.2019 and it was opined that there was an injury to vital organ i.e. left lung and due to injuries to multiple bones lead to shock and hemorrhage. During the course of investigation on the day the team at the scene of crime the forensic science laboratory, Madhuban inspected the spot of occurrence. On 23.06.2019 the complainant Joni Kumar joined the investigation of the case and his supplementary statement under Section 161 Cr.P.C was also recorded and statements of other

under Sections 120-B and 341 IPC were invoked in this case. On 23.06.2019 the accused, namely, Ajay and Rahul were joined investigation and were arrested. During the interrogation both of them suffered separate disclosure statements confessing their guilt and in furtherance of their disclosure statements the accused got recovered lathi and danda used in the commission of the offence.

On 24.06.2019 the accused namely, Ram Mehar @ Minkle Star surrendered before the concerned Court and during the course of investigation of the case the aforesaid accused suffered separate disclosure statement confessing his guilt and about involvement of Balkar and Vikram son of Bhulla Ram(present petitioners) and Jagtar son of Bhulla Ram. On the same day, the co-accused namely, Bhulla Ram, Balkar, Jagtar and Vikram were arrested and during the course of investigation the accused suffered their separate disclosure statements confessing their guilt and furthermore, in furtherance of the disclosure statements the accused Balkar and Joginder(petitioners) got recovered lathi and the accused Jagtar got recovered gandasi used in the commission of offence and recovery memos were prepared. Thereafter, on 25.06.2019 the accused namely, Ram Mehar @ Minkle Star suffered another disclosure statement disclosing the involvement of the petitioner Joginder @ Gora who was arrested in this case.

During the course of investigation of the case both the accused suffered separate disclosure statements confessing their guilt and on 26.06.2019 in furtherance of their disclosure statement the petitioner got recovered danda. In the aforesaid affidavit further details have also been provided with regard to the various disclosure statements made by the accused and various recoveries made in pursuance thereof under Section 27 of the Evidence Act. It is further stated in the affidavit that in this case total of 12 accused including the present petitioners have been arrested and recovery of different weapons have been made. Learned State

counsel has submitted that the involvement of the three petitioners was clearly established during investigation and they have caused grievous injuries to the deceased and various kinds of weapons have also been recovered from the aforesaid three petitioners under Section 27 of the Evidence Act.

Learned State counsel has further referred to Annexure P-2 which is the prosecution witness No.1 who was the complainant namely, Joni in the aforesaid statement the complainant has specifically named Balkar and Vikram Singh petitioners who had alongwith other co-accused surrounded Jarnail Singh and started beating him. It has been further deposed by the aforesaid Joni that he had got recorded his supplementary statement before the police where he has disclosed that Jarnail Singh has been murdered by Ram Mehar @ Minkle Star, Balkar, Jagtar, Vikram, Sultan, Sunny, Raj, Ajay , Rahul, Ajay Pandit, Surinder, Joginder @ Gora(petitioner), Sandeep and Rajinder by hatching conspiracy with Bhulla Ram. Learned State counsel has submitted that all the three petitioners have been specifically attributed role by the complainant that they have jointly attacked the deceased and killed him. He has further submitted that prosecution evidence is still going on and in case the petitioner is released on bail then there is every likelihood that they may influence the witnesses or may flee from justice and therefore, prayed for dismissal of the present petition.

I have heard the learned counsel for the parties and perused the available record.

It is a case where group of persons had allegedly attacked the deceased Jarnail Singh by various kinds of weapons including datar and kirpan blows and therefore, the attack was in the nature of the gang attack. It has also come on record that although the petitioners were not named in the FIR but they were named by the complainant during the course of his deposition before the

learned Trial Court. The trial of the case is still in progress and the argument raised by learned State counsel that in case the petitioners are released on bail then there is every likelihood that they may influence the witnesses or flee from justice does carry weight.

Considering the totality and circumstances of the present case, this Court does not find the aforesaid petitions being fit cases to interfere for grant of anticipatory bail at this stage. Consequently, the present petitions are hereby dismissed. However, nothing stated hereinabove, shall be construed to be an expression on the merits of the case.

4th January, 2021
Shivani Kaushik

[JASGURPREET SINGH PURI]
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
Whether Reportable	Yes/No