

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-27796-2021 (O&M)

DATE OF DECISION: JULY 28, 2021

RANJIT SINGH @ SONU

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. J.S. THAKUR, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SANDHU, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

CRM-20871-2021

This is an application for exemption from filing process fee, welfare stamp and original vakalatnama.

Application is allowed.

Main Case

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.22 dated 2.4.2021, under Section 323, 324, 435, 427, 148, 149, 326 IPC, Police Station Bilga, District Jalandhar. The petitioner is in custody since his arrest on 15.5.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Jalandhar in the order dated 8.6.2021, are as under:-

“The brief facts of the prosecution case are that the FIR in question has been registered on the basis of statement of complainant Parminder Singh alias Lucky son of Rajinder Kumar, resident of Village Gorssian Peeran, PS Nurmahal, District Jalandhar. As per his statement he is

doing the work of floor tiles/stone(mason). On 31.03.2021, as usual, he had gone to take his colleague Akashdeep-Mason on his motorcycle No.PB-08CT-1640 from the village. After taking Akashdeep with him, when he came out of his village, then Sonu alias Chandi and Lattu residents of Talwan along with one unknown person met them who were on their motorcycle. Sonu @ Chandi told him(complainant) that they have to go for some work and he(complainant) & Akashdeep should also accompany them and then, he(complainant) and Akashdeep followed the motorcycle of Sonu alias Chandi and they took them to village Gadhre near Sutlej river. After reaching there, Sonu @ Chandi asked him to wait there and he would come back after going to the house. After some time, Sonu @ Chandi, Lattu and unknown person one motorcycle and on the other motorcycle Jassu and Dil resident of Talwan, all armed with datters came there. Sonu alias Chandi after alighting from the motorcycle gave datter blow on his head, but he (complainant) raised his left arm to save himself due to which datter blow hit on his arm. Then Sonu alias Chandi gave second blow of datter which also hit on his left arm. Then, Lattu gave datter blow which also hit on his left arm. Akashdeep tried to rescue him, upon which Sonu alias Chandi asked him to go back otherwise he would also be treated in the same manner. Then, he (complainant) became unconscious and could not know who gave him datter blows and on what body part by which accused. He raised raula mar ditta mar ditta. Sonu @ Chandi burnt his(complainant) motorcycle and on seeing the people collecting there, all the accused fled away from the spot on their motorcycles with their respective weapons. Akashdeep telephonically called his (complainant's) father, who reached at the spot and after

arranging vehicle took him to the Civil Hospital, Nurmahal from where after giving first aid, he was referred to Civil Hospital, Jalandhar and then the Civil Hospital Jalandhar further referred him to Amritsar, but they at their own got admitted at New Ruby Hospital, Jalandhar where he is undergoing treatment. The motive behind occurrence is that he had a friendship with one Neki who is brother of Sonu alias Chandi and now he is not on talking terms with said Neki, due to which all the accused in prosecution of their common object caused injuries to him. Entire incident has been witnessed by Akashdeep.”

Learned counsel for the petitioner has argued that initially the FIR was registered for the offence punishable under Section 323, 324, 435, 427, 148, 149 IPC and later on offence punishable under Section 326 IPC was added. He submits that the co-accused of the petitioner, namely, Dilpreet Singh @ Dil has been granted the concession of anticipatory bail and another accused, namely, Sukwinder Pal @ Lakhwinder @ Laatu has been granted regular bail vide order dated 20.7.2021. He further submits that investigation of the case is complete and as the final report has been filed, however, the charges are yet to be framed, therefore, the petitioner be also released on regular bail.

On the other hand, learned counsel for the State assisted by ASI Harnek Singh has opposed the aforesaid prayer on the ground that the petitioner was armed with a sharp edged weapon (dattar) and he gave multiple blows to the victim and the offence punishable under Section 326 IPC has been attributed to him. He has further produced the custody certificate of the petitioner which indicates that he is also involved in

another case FIR No.89 dated 23.8.2021, under Section 379/411 IPC, Police Station Bilga, District Jalandhar.

After hearing the learned counsel for the parties, this Court is of the opinion that as per prosecution, the offence punishable under Section 326 IPC has been attributed to the petitioner, therefore, he cannot take advantage of the orders passed in respect of his co-accused. A reading of the FIR further shows that it was the petitioner who not only opened the attack upon the victim, but also gave repeated blows to the injured causing grievous injuries. Considering the above background, but without expressing any opinion on the merits of the case, this Court finds that the petitioner is not entitled to regular bail at this stage.

Dismissed.

July 28, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No