

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28765-2021

Date of Decision: 26.07.2021

Billu @ Gurcharan Singh and another

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Navjot Singh, Advocate for the petitioners.
Mr. Randhir Singh Thind, Deputy. Advocate General, Punjab.
Mr. Tanvir Singh Grewal, Advocate for the complainant.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of Code of Criminal Procedure for the grant of concession of anticipatory bail to the petitioners in case bearing FIR No.66 dated 11.06.2021, under Sections 307, 323, 148, 149 of Indian Penal Code, 1860 and later on added Sections 325, 201 of Indian Penal Code, 1860, registered at Police Station Longowal, District Sangrur.

The learned counsel for the petitioners has submitted that as per the allegations contained in the FIR, which is registered on the basis of statement of Bakshish Singh son of Gurbaksh Singh, the petitioners namely Sukhwinder Singh alongwith some other persons namely Bhagwan Singh, Sattu Singh, Billu Singh (Petitioner) and some other unsown resident of Kila Bhariyana came from the

side of their village and they were well equipped with dandas and sticks. The petitioner No.2 Sukhwinder Singh alias Padda raised lalkara and said that they won't let the injured go from here and after this Sukhwinder Singh alias Padda (Petitioner No.2) hit him directly on the head with the stick. He fell down on the ground and all the persons behind hit him on the legs and arms with sticks. The learned counsel for the petitioners further submitted that the petitioners were falsely implicated in the present case because it was the complainant who was the aggressor and it was only to save himself that the present FIR has been lodged. He has further submitted that other co-accused namely Sattu Singh alias Satgur Singh has been granted interim protection by this Hon'ble Court vide order dated 16.07.2021 (Annexure P-6).

On the other hand, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has submitted that so far as the present petitioners are concerned, they had in fact hit the injured badly and the episode was actually recorded in the CCTV footage in which it can be seen that both the petitioners were hitting the injured. He submitted that so far as the co-accused namely Sattu Singh alias Satgur Singh, who has been granted interim protection by this Court is concerned, the same accused could not be seen in the CCTV footage because the CCTV footage itself was of 57 seconds which was although incomplete but this Court had granted interim protection to the aforesaid Sattu Singh alias Satgur Singh on the ground that he was not seen in the CCTV footage and, therefore, the present petitioners are not at parity with the other co-accused namely Sattu Singh alias Satgur Singh. The learned State counsel further submitted that grievous injuries have been caused to Bakshish Singh on the head and both the petitioners were seen in the video footage and the investigation process is still going on and the petitioners are absconding and recovery is yet to be effected from the petitioners and has therefore, opposed

the grant of bail.

Mr. Tanvir Singh Grewal, learned counsel for complainant has also supported the State counsel and has stated that it is a case where number of persons had attacked Bakshish Singh and both the petitioners are seen in the CCTV footage and, therefore, has opposed the grant of anticipatory bail to the petitioners.

I have heard the learned counsel for the parties.

So far as the other co-accused namely Sattu Singh alias Satgur Singh is concerned, the facts and circumstances show that the petitioners are not at parity with the aforesaid Sattu Singh alias Satgur Singh because the CCTV footage consisting of 57 seconds did not figure Sattu Singh alias Satgur Singh. This Court does not wish to go into the fact as to what was the duration of the CCTV footage but the CCTV footage which was available with the police is certainly a relevant factor for the purpose of deciding the present anticipatory bail application. In the CCTV footage of 57 seconds both the petitioners have been identified as hitting the injured Bakshish Singh by way of dandas and lathis and Bakshish Singh had fallen down on the ground and greivous injuries have been caused on Bakshish Singh. The recovery of dandas and lathis is yet to be effected.

In view of the above, this Court does not deem it fit to grant anticipatory bail to the petitioners in the present case.

Consequently, the present petition is dismissed.

26.07.2021.

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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