

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

104+106

(1)

CRM-M-34652-2020

Date of decision : 25.01.2021

Lakhvir Singh @ Laki

.....Petitioner

Versus

State of Punjab

.....Respondent

(2)

CRM-M-26282-2020

Date of decision : 25.01.2021

Harpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

(3)

CRM-M-43839-2020

Date of decision : 25.01.2021

Bahadur Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Atul Lakhanpal, Sr. Advocate with
Mr. Arjun Lakhanpal, Advocate
for the petitioner in CRM-M-34652-2020.

Mr. Manish Kumar Singla, Advocate
for the petitioners in CRM-M-26282-2020
and CRM-M-43839-2020 .

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

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video
conferencing.

Petitioners-Lakhvir Singh @ Laki, Harpreet Singh and

Bahadur Singh have filed CRM-M-34652-2020, CRM-M-26282-2020 and CRM-M-43839-2020 respectively under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.103 dated 01.05.2020 registered under Sections 120-B and 302 read with Section 34 of the Indian penal Code, 1860 in Police Station Bhawanigarh, District Sangrur.

The above-said FIR was registered on statement of Parminder Singh @ Pindi. In his statement Parminder Singh @ Pindi alleged that Malkiat Kaur, sister of his mother, was married with his uncle Gurmail Singh and they have two sons Lakhbir Singh @ Lucky and Varinder Singh @ Bittu. Lakhbir Singh @ Lucky was married with Navpreet Kaur while Varinder Singh @ Bittu was married with Sandeep Kaur but his muklawa was yet to be performed. Sometime ago Lakhbir Singh @ Lucky murdered Nahar Singh, husband of the sister of his father, due to which he remained in jail. During the period of his detention, Manpreet Singh developed illicit relations with Navpreet Kaur, wife of Lakhbir Singh @ Lucky. Varinder Singh @ Bittu came to know about the same due to which enmity developed between Varinder Singh @ Bittu and Manpreet Singh. Sometime ago Lakhbir Singh @ Lucky stopped giving meal to his brother Varinder Singh @ Bittu and from that time, Varinder Singh @ Bittu started taking food at his house. On 30.04.2020 at about 7:30 p.m. when he was going to his field on his motorcycle he saw one car going towards the passage leading to their field and persons on two motorcycle stopped the car. In the light of the car he saw that they were Manpreet Singh who was armed with sword and Bahadur Singh, Gagandeep Singh @ Gagi and Harpreet Singh @

Billa who were armed with dandas. Bahadur Singh and Harpreet Singh took out Dharmender Singh and Manpreet Singh took out Varinder Singh out of the car. Manpreet Singh inflicted sword blow in the stomach of Varinder Singh saying that he is being taught a lesson for stopping Navpreet Kaur from meeting him. Gangandeep Singh gave danda blow to Varinder Singh aiming his head which fell on his left hand due to raising of the hand. Bahadur Singh caught hold of Varinder Singh and threw him on the ground while Harpreet Singh @ Billa gave kick blows to Varinder Singh while he was lying on the ground. In the meanwhile, Balwinder Singh reached there on his tractor and on seeing him the assailants fled from the spot to Pattiwal Kalan along with their respective weapons and motorcycles. He, Balwinder Singh and Dharmender Singh took Varinder Singh in Swift car and got him admitted in Umeed Private Hospital, Sangrur where he died in the night. He was confident that murder of Varinder Singh has been committed by Lakhvir Singh and his wife Navpreet Kaur in connivance with Manpreet Singh and other assailants.

The petitioners being in custody since their arrest have filed the present petitions for grant of regular bail.

The petitions have been opposed by learned State Counsel in terms of reply filed by way of affidavit of Sh. Sukhraj Singh, PPS, Deputy Superintendent of Police, Sub Division Bhawanigarh, District Sangrur in CRM-M-34652-2020 and in terms of reply filed by way of affidavit of Sh. Gobinder Singh, PPS, Deputy Superintendent of Police, Sub Division, Bhawanigarh in CRM-M-26282-2020. However, no reply has been filed in CRM-M-43839-2020.

I have heard Mr. Atul Lakhanpal, learned Senior Counsel for petitioner-Lakvir Singh @ Laki, Mr. Manish Kumar Singla, learned Counsel for petitioners-Harpreet Singh and Bahadur Singh and Mr. Rana Harjasdeep Singh, learned State Counsel and gone through the relevant record.

Learned Senior Counsel for petitioner-Lakhvir Singh @ Laki has submitted that the petitioner has been falsely implicated in the present case. The petitioner was not present on the spot and did not cause any injuries to the deceased. The petitioner was not involved in any conspiracy with the assailants for murder of his brother. As per the prosecution version his wife had illicit relations with Manpreet Singh. His wife and parents were also stated to be involved in the conspiracy for murder of Varinder Singh but on investigation his wife and parents have been found innocent and exonerated by the police. The petitioner had no motive to enter into any conspiracy for murder of his brother. As mentioned in the MLR, the petitioner took his brother to the hospital. Dying declaration allegedly made by the deceased as to his involvement in the crime was the tutored one. The petitioner is in custody since 03.05.2020.

Learned Counsel for petitioners-Harpreet Singh and Bahadur Singh has submitted that the petitioners have been falsely implicated in the case. Even though the petitioners were named in the FIR but the deceased did not name them in his dying declaration. Billu Baba and his son were named by the deceased in his dying declaration. Petitioner-Harpreet Singh @ Billa is a person different from the said Billu Baba as the petitioner is unmarried where as Billu Baba was having

a son. Petitioner-Bahadur Singh is merely alleged to have caught hold of Varinder Singh and to have thrown him on the ground while petitioner-Harpreet Singh is alleged to have given kick blows to him while he was lying on the ground. Fatal injury caused with sharp edged weapon to the deceased is attributed to co-accused Manpreet Singh while injury caused to him with blunt weapon is attributed to co-accused Gagandeep Singh @ Goggi. Petitioners-Harpreet Singh and Bahadur Singh are in custody since 03.05.2020 and 04.05.2020 respectively.

Learned Senior Counsel for for petitioner-Lakhvir Singh @ Laki and learned Counsel for petitioners-Harpreet Singh and Bahadur Singh have further argued that investigation has been completed and charge-sheet has been filed. Charges are yet to be framed. Trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19. No useful purpose will be served by keeping the petitioners in custody. Therefore, the petitioners may be ordered to be released on regular bail.

On the other hand, learned State Counsel has submitted that the petitioners-Harpreet Singh and Bahadur Singh were present on the spot. They along with their co-accused Manpreet Singh and Gangandeep Singh @ Goggi have committed murder of Varinder Singh by actively participating in the crime. Petitioner Lakhvir Singh @ Laki conspired with them for committing murder of his brother-Varinder Singh. In view of the nature of accusation and gravity of the offences, the petitioners do not deserve grant of regular bail. Therefore, the petitions may be dismissed.

Keeping in view the facts and circumstances of the case,

nature of accusation and evidence against the petitioners, role and injuries attributed to petitioners-Harpreet Singh and Bahadur Singh, particularly the fact that fatal injury is attributed to co-accused Manpreet Singh and other injury on the person of deceased is attributed to co-accused Gagandeep Singh @ Goggi, challenge to dying declaration qua involvement of petitioner-Lakhvir Singh @ Laki and also the fact that the trial is likely to take long time due to restrictions imposed to prevent spread of infection of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioners.

In view of the above, the petitions are allowed and the petitioners-Lakhvir Singh @ Laki, Harpreet Singh and Bahadur Singh are ordered to be released on regular bail on furnishing of bail bonds in heavy amount to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.01.2021
Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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