

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

I) CRM-M-47432-2021 (O&M)

Taranpreet Singh ... Petitioner

Versus

State of Punjab ... Respondent

II) CRM-M-47437-2021 (O&M)

Jeevan Singh ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:-22.11.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Atul Goyal, Advocate for the petitioner(s).

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Gurcharan.

GURVINDER SINGH GILL, J.

1. This order shall dispose of the above mentioned two petitions filed on behalf of petitioners Taranpreet Singh and Jeevan Singh seeking grant of regular

bail in respect of a case registered vide FIR No.158 dated 11.12.2020 at Police Station Division No.2, District Police Commissionerate Jalandhar under Sections 302, 148, 149 of Indian Penal Code, wherein offence under Section 120-B IPC was added later on.

2. The FIR in question was lodged at the instance of Swaran Singh, wherein it has been alleged that on 10.12.2020 when he alongwith his son Amandeep Singh was present at their home, they came to know that locks of the gate of Gurudwara Sahib have been broken. In the meantime, Ajay Kumar, a resident of the locality, came to their house and complainant's son Amandeep Singh accompanied by Ajay Kumar went towards Gurudwara Sahib on Aactiva scooter while the complainant also followed them on his motorcycle. Upon reaching near Gurudwara Sahib at about 9:30 p.m., the complainant noticed Paramjeet Singh, who resides in Gurudwara Sahib, his son Prabhmeet Singh, Jeevan and Anmol, both sons of Jaspal Singh, who are nephews of Paramjeet Singh, Vishal, Sangat Singh (son-in-law of Paramjeet Singh), Varun @ Tarun and few other unknown persons, who were all causing injuries to complainant's son Amandeep Singh and Ajay Kumar. It is alleged that Vishal took out the holy '*kirpan*', which he was wearing and inflicted a blow with the same upon Amandeep's neck. The remaining persons were also carrying '*kirpans*' and '*datars*' and were raising '*lalkaras*' that Amandeep Singh has been taken care of. When the complainant raised alarm, the accused ran away from the spot. Although, Amandeep Singh was rushed to hospital but he succumbed to his injuries.
3. Learned counsel for the petitioners has submitted that although the petitioners are named in the FIR but no specific role is attributed to them and

that it is Paramjeet Singh, who is the main accused and who caused injury on the neck of deceased Amandeep Singh resulting in his death. Learned counsel has further submitted that a perusal of the post mortem report (Annexure P-3) itself shows that it is not a case where a large number of injuries had been caused to the deceased as has been alleged in the FIR. Learned counsel has submitted that the petitioners, in any case, have been behind bars since the last more than 11 months and, as such, deserve to be released on bail.

4. Opposing the petition, learned State counsel has submitted that since the petitioners are specifically named in the FIR and are stated to be present alongwith main accused when the main accused inflicted blow on the neck of deceased and there are also allegations that the remaining accused also caused injuries, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioners as on date have been behind bars since the last more than 11 months and are not involved in any other case. Learned State counsel has further been informed that charges have not been framed so far.
5. I have considered rival submissions addressed before this Court.
6. A perusal of the FIR would show that it is co-accused Paramjeet Singh, who is specifically attributed an injury on the neck of deceased, which proved fatal. Though, as per FIR a large number of accused, who are alleged to be armed with 'kirpans' and 'datars' were present and are alleged to have caused injuries, but the post mortem report (Annexure P-3) does not substantiate the said fact inasmuch as it is not a case where a large number of injuries were found on the person of deceased and that it is a case where one

deep gaping incised wound was found on the neck of deceased apart from 2 lacerated wounds on the left shoulder, which apparently were caused when the deceased fell down. It has been submitted that, in any case, no injury with a sharp edged weapon other than the solitary injury caused by Paramjeet Singh, was found on the dead body.

7. Without commenting anything as regards the merits of the case but while noticing that both the petitioners have not been attributed any specific injury and it is not a case of multiple injuries and that petitioners have clean antecedents and have been behind bars since the last more than 11 months and also the fact that conclusion of trial is likely to consume time as the trial is yet to commence inasmuch even the charges have not been framed so far, further detention of the petitioners will not serve any useful purpose. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. A photocopy of this order be placed on the file of connected case.

22.11.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No