

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

CRM-M-37303-2019.

Date of Decision: 06.07.2021.

Amrinder Singh @ Raju

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Argued by: Mr. Parvinder Singh, Advocate with
Ms. Sukhpreet Grewal, Advocate for petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Lalit Batra, J.

Case has been taken up for hearing through Video Conferencing.

This 2nd petition under Section 439 Cr.P.C has been moved by petitioner-**Amrinder Singh @ Raju** for grant of regular bail in case FIR No.136 dated 08.06.2017 under Sections 120-B, 148, 186, 302, 341 and 364 IPC read with Section 149 IPC, registered at Police Station Talwandi Sabo, District Bathinda.

Learned counsel for the petitioner *inter alia* contended that the allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further urged that a bare perusal of FIR would reveal that the same was registered against unidentified persons and as such petitioner was not named in the FIR. He further urged that petitioner

has been arrayed as accused on the basis of statement of Kuldeep Kumar, brother of Vinod Kumar @ Monu (since deceased) and statement of Vinod Kumar @ Monu (since deceased), who had rendered contradictory versions and that too with ulterior motive to implicate the petitioner in the commission of alleged offence. He further urged that Vinod Kumar @ Monu, a drug peddler, was having dispute with other drug peddlers and possibility of said Vinod Kumar @ Monu having been eliminated by those drug peddlers cannot be ruled out. He further urged that in fact Vinod Kumar @ Monu was killed by crowd, opposing the sale of drugs in the area. He further urged that the postmortem examination report of deceased Vinod Kumar @ Monu does not corroborate the allegations of FIR in respect of injuries sustained by said Vinod Kumar @ Monu on his left arm and right leg. He further submitted that petitioner has been falsely implicated due to political vendetta as his mother is Sarpanch of the village and Vinod Kumar @ Monu (since deceased) in his statement has narrated that cause of dispute was that during the course of elections he had altercation with petitioner. He further submitted that petitioner is languishing in custody since 24.06.2017 and trial is going on at snail pace. He further urged that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that after having received information that Monu Arora was lying in injured condition near common sitting place (*Saath/Chaupal*) of Wander Patti, then Inspector Jagdish Kumar alongwith

Police party reached the spot where petitioner/accused created obstruction in their duty and restrained them to take injured-Vinod Kumar @ Monu to the hospital, however, Police party managed to take injured to the hospital, where statement of said injured-Vinod Kumar @ Monu was recorded, wherein he had specifically stated that on that day at about 9/10 AM, while he was proceeding to his house, on the way, he was intercepted by petitioner accompanied by Gursewak Singh son of Hakam Singh and one person being called Wadda and two unidentified persons who were armed with revolver, *Gandasa* and stick and then petitioner inflicted *Gandasa* blows on his right leg and left arm and then he fell down and thereafter he was inflicted number of injuries on his person and thereafter above said persons took him away in a car make Scorpio and thrown him near the *Saath* (common place) at Bhagi Patti of village Bhagiwander. He further urged that injured-Vinod Kumar @ Monu has also narrated that reason behind enmity was that at the time of election a verbal duel had taken place between him and petitioner and mother of petitioner is Sarpanch of village. He further urged that on 08.06.2017, injured-Vinod Kumar @ Monu had succumbed to injuries on the way to Guru Govind Singh Medical Hospital, Faridkot. He further urged that on 10.06.2017, Kuldeep Kumar, brother of deceased Vinod Kumar @ Monu gave statement detailing therein role of each and every accused especially of petitioner in the commission of offence. He further urged that after arrest of petitioner, in pursuant to his disclosure statement, he got recovered *Gandasa*, weapon used in the commission of offence. He further urged that Vinod Kumar @ Monu (since deceased) and his brother Kuldeep Kumar in their respective statements have attributed specific injuries at the

hands of petitioner on the person of Vinod Kumar @ Monu (since deceased) and the said injuries on left arm and right leg are well evident from postmortem examination report of deceased Vinod Kumar @ Monu. He further urged that since injured-Vinod Kumar @ Monu succumbed to the injuries on the way to hospital, his statement recorded by the Police can be termed and believed to be 'dying declaration'. He further urged that in view of seriousness of offence and specific role attributed to petitioner in the commission of offence, he does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition as well as reply furnished at the instance of respondent-State.

Without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that allegedly petitioner while nourishing grudge against Vinod Kumar @ Monu (since deceased) on account of verbal duel with him in the elections and then to take revenge constituted unlawful assembly and in prosecution of common object of said unlawful assembly allegedly inflicted injuries by means of sharp-edged weapon (*Gandasa*) on the person of Vinod Kumar @ Monu (since deceased) with intention to kill him and he (Vinod Kumar @ Monu) succumbed to the injuries on the way to the hospital. In view of seriousness of offence and alleged attributed role of petitioner in the commission of alleged offence, he does not deserve the concession of bail.

As a sequel to above, instant petition for grant of regular bail moved by the petitioner is dismissed.

Before parting with this order, it is pertinent to mention here that since petitioner is languishing in custody for the last more than four years, Trial Court is directed to make earnest and sincere efforts to conclude the trial at the earliest and that too by giving short adjournments.

(LALIT BATRA)
JUDGE

06.07.2021
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No