

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

CRM-M-50270-2019 (O&M)

(1) Taranjit Singh @ Sonu ...Petitioner

Versus

State of Punjab ...Respondent

(2) **CRM-M-797-2020 (O&M)**

Amarjit Singh ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision:- 14.10.2021

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sangram S. Saron, Advocate for the petitioner
in CRM-M-50270-2019.

Mr. Chandan Singh Rana, Advocate for the petitioner
in CRM-M-797-2020.

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

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. This order shall dispose off the above mentioned two petitions filed on behalf of Taranjit Singh @ Sonu and Amarjit Singh seeking grant of regular bail in a case registered vide FIR No.20 dated 16.1.2018 under Sections 302, 148, 149 IPC at Police Station Jodhan, District Ludhiana.

2. The FIR in question was lodged at the instance of Gurcharan Singh wherein he has stated that while he is residing in village Dhaipai, District Ludhiana, they also have a house on the outskirts of the village where they tether cattle. The complainant's father Naib Singh usually stayed in the said outer house for looking after cattle and would also sleep there. On 16.1.2018 at about 4 p.m., while his father was cleaning the drain constructed in the street near their outer house, then Gurpreet Singh, Taranjit Singh @ Sonu, their nephew Lovely and Amarjit Singh started hurling abuses at his father while objecting to water being drained out in the street. A quarrel ensued thereafter. The complainant's father came back to the residential house and narrated the entire incident to the family. At about 8.30 p.m. when the complainant's father Naib Singh, after having dinner was returning back to the outer house, he was waylaid by Gurpreet Singh, Taranjit Singh @ Sonu, Amarjit Singh, Lovely and two unknown persons, who were all armed with '*kirpans*' and who upon seeing the complainant's father raised a *lalkara* exhorting each other to teach him a lesson for discharging the waste water in the street. It is alleged that Gurpreet Singh gave a '*kirpan*' blow to complainant's father on his neck with an intention to kill him. Taranjit Singh also gave a blow with '*kirpan*' hitting him on the left side below his face. Amarjit Singh is also stated to have inflicted an injury to complainant's father with '*kirpan*' on the left side of his forehead. On account of the said injuries, half of the neck of the complainant's father was cut. The two unidentified persons had been raising *lalkaras* all this time not to spare complainant's father alive. When the complainant raised alarm, several persons from the locality gathered at the spot and the assailants, upon seeing them, fled away from the spot. Although, the complainant's father was rushed to hospital but he was

declared dead. The matter was investigated by the police and upon investigation, only Gurpreet Singh was found to have committed the offence and consequently, challan was presented against him whereas the other accused were kept in column no. 2. The trial Court, upon the very first day when challan was received upon commitment by the Illaqa Magistrate, noticed the factual position and ordered for summoning of Taranjit Singh, Amarjit Singh and Amrinder Singh (non-applicant) in exercise of its power under Section 193 Cr.P.C. vide order dated 9.5.2018.

3. However, the arrest of the petitioners could not be effected and consequently, they were declared proclaimed offenders vide order dated 18.7.2018. It was after about a year that their arrest was effected on 12.6.2019 and they have been in custody since then, barring a short period when they were granted interim bail
4. The learned counsel for the petitioners have submitted that the petitioners have falsely been implicated in the instant case and that the police had found them innocent after conducting extensive investigation. It has further been submitted that in any case since the investigation already stands concluded and challan stands presented, no useful purpose would be served by further detaining the petitioners behind bars.
5. Opposing the petition, the learned State counsel has submitted that it is a case where both the petitioners are not only specifically named in the FIR but specific roles have also been attributed to them inasmuch as they have caused injuries to the deceased with the help of '*kirpans*' (swords). The learned State counsel has submitted that the deceased was killed in a brutal manner by virtually chopping off his neck with the help of swords. It has

been submitted that the conduct of the petitioners inasmuch as they had been declared proclaimed offenders also does not justify grant of bail.

6. I have considered rival submissions addressed before this Court.
7. A perusal of the FIR would show that the petitioners are specifically named in the FIR and are stated to be armed with '*kirpans*' (swords) and are also alleged to have inflicted injuries to the deceased with the help of swords. While petitioner Amarjit Singh is alleged to have given a '*kirpan*' blow on the forehead of the deceased, the petitioner Taranjit Singh is stated to have given a blow hitting him below his face, which would be around the area of neck. The allegations are fully substantiated from record, particularly the medical certificate which shows that three injuries were found on the person of the deceased while one of the injuries was on the forehead which was bone deep and was about 6 cm long, the two other injuries were also incised wounds which were as long as 22 cm and 26 cm respectively on neck, which had partly severed his neck from the body. The mere fact that the police had chosen to keep the petitioners in column no. 2 would hardly be significant as the trial Court, upon perusal of the same very facts, did find sufficient grounds for summoning the petitioners on the very first day of presentation of challan. Rather, such like conduct of the police where specific allegations have been levelled which are duly substantiated from the medical evidence, and the FIR does not reveal any kind of exaggeration, speaks volumes about the manner in which investigation has been conducted or reports have been prepared. Still further, the fact that the petitioners were declared proclaimed offenders after having been summoned had remained away from the Courts for more than one year would reflect on their conduct and there could be likelihood that they would flee from justice again, in case granted bail.

8. In view of the aforestated position, this Court does not find any ground for grant of bail. Both the petitions are sans merit and are hereby dismissed.
9. A photocopy of this order be placed on the file of connected case.

14.10.2021

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No