

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

Date of decision: 05.05.2022

1. CRM-M-6280-2021 (O&M)

Avtar Singh @ Rikki

... Petitioner

Vs.

State of Punjab

... Respondent

2. CRM-M-12645-2021 (O&M)

Jagtar Singh @ Jaggi

... Petitioner

Vs.

State of Punjab

... Respondent

3. CRM-M-30369-2021 (O&M)

Harnek Singh @ Neka

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Harjinder Singh, Advocate for
Mr. A.S. Khinda, Advocate
for the petitioner (in CRM-M-6280-2021).

Mr. V.K. Thakur, Advocate
for the petitioners (in CRM-M-12645 & 30369-2021).

Ms. Jaspreet Kaur, AAG, Punjab.

Mr. Sushant Kareer, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in these three petitions is for grant of regular bail to petitioners Avtar Singh @ Rikki, Jagtar Singh @ Jaggi and Harnek Singh @ Neka, in FIR No.210 dated 28.08.2020 under Section 452, 323, 427, 506, 148, 149 IPC and Sections 302, 460, 326 IPC (added later on), registered at Police Station Sadar Kapurthala, District Kapurthala.

Learned counsel for the petitioners have relied upon the order dated 16.07.2021 passed in CRM-M-26129-2021, vide which Ramanpreet Kaur @ Raman and another were granted the concession of regular bail. The operative part of the order reads as under: -

“...Learned counsel for the petitioners contends that the petitioners are students and daughters of co-accused Harnek Singh. In the FIR, 07 persons have been named but injuries on the deceased are attributed to co-accused Harnek Singh, Avtar Singh and Jagtar Singh. The petitioners were alleged to be empty handed and are alleged to have given blows with brick

bat to the injured. He also contends that the deceased Tarsem Lal had suffered simple injuries except one injury on the lower leg which was found to be grievous. He has been discharged. Tarsem Lal (deceased) was readmitted in the hospital later. The report of the Pathologist indicates that the heart of the deceased had abnormalities and features were consistent with Ischemic Heart Disease causing myocardial infraction. Petitioner No.1 is 23 year of age and petitioner No.2 is 21 year of age. They are in custody for 02 months.

Learned State counsel has filed custody certificate which indicates that the petitioners are in custody for 02 months. He further contends that the allegations against the petitioners are serious and they are alleged to have pelted stones at the deceased and injured. They had earlier been declared proclaimed offenders and had been arrested subsequently. He upon instructions from Sub Inspector Jaswant Singh states that the challan has been filed but no prosecution witness has been examined...”

Learned counsel have submitted that one more co-accused Balbir Kaur @ Jasvir Kaur was also granted the concession of regular bail by the Coordinate Bench of this Court vide order dated 23.08.2021 passed in CRM-M-32568-2021. It is further submitted that as per post-mortem report, injury No.4 is pain and swelling on right lower leg and ankle and other

injuries are found to be simple in nature. It is also submitted that victim Tarsem Lal was discharged from the hospital on 01.09.2020 and later on, he was re-admitted and operated on 02.09.2020 and it was recorded in pre-operative medical checkup that he is known case of diabetes and hypoglycemia since 12 years. It is next submitted that deceased Tarsem Lal was operated upon at 2.30 pm and died at 10.40 pm. The information supplied by the Medical Officer, Doaba Hospital and Trauma Centre, Kapurthala to SHO, Police Station Sadar, Kapurthala reads as under: -

“This is for your information that patient Tarsem Lal aged 63 years s/o Sibba r/o Village Sidhwan Dona Distt. Kapurthala admitted in C.H. Kapurthala on 28/08/2020 as case of assault and was discharged on request on 01/09/2020. Patient came to this hospital on 01/09/2020 at 11:40 A.M. Patient investigated after getting sugar under control. Patient was operated upon on 02/09/2020 at 2:30 P.M. Patient brought out from OT on stable condition at 3:40 P.M. Patient had cardiac arrest may myocardial infection at 9:45 P.M. 02/09/2020. Resurrection done but could not revive. Patient declared dead at 10:40 P.M. This for your information and n/a.”

Learned counsel have further referred to histopathological assessment report, in which it is observed that features are consistent with Ischemic Heart Disease causing myocardial infraction. It is also argued that now statement of injured/eyewitness PW1 Manjit Kaur is recorded along

with statement of PW2 Gurpreet Singh son of deceased Tarsem Lal and official witnesses remain to be examined. It is further submitted that the petitioners are in custody for the last 01 year, 08 months and 06 days and they may be granted the concession of regular bail.

Learned State counsel, on the basis of custody certificates filed in the Court today, could not dispute the factual position that statements of two prosecution witnesses have already been recorded.

Learned counsel for the complainant has, however, submitted that since the petitioners and complainant are next door neighbours and the petitioners have attacked the complainant side by coming to their house, there is every possibility that they may again commit such offence, as victim Manjit Kaur is having three daughters and one son/PW2 Gurpreet Singh and on account of making deposition against the petitioners, they may again put them under threat.

In reply, learned counsel for the petitioners have submitted that all the petitioners will not stay in the village, till the time, the trial is concluded and will stay outside the village and in case, they are found visiting their house or extending any threat to the complainant, their bail may be cancelled.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid facts and circumstances of the case, all these three petitions are allowed and petitioners Avtar Singh @ Rikki, Jagtar Singh @ Jaggi and Harnek Singh @

Neka are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

It is made clear that the petitioners will not stay in Village Sidhwa Dona and will stay outside the village. In case of violation, it will be open for the prosecution to move an application for cancellation of bail.

A photocopy of this order be placed on the files of other connected cases.

[ARVIND SINGH SANGWAN]
JUDGE

05.05.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No