

214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7348-2021

Date of decision : 23.03.2022

Sukhwinder Singh

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sapan Dhir, Advocate for the petitioner.
Mr. Bhupender Singh, DAG, Haryana.
Mr. R.S.Mamli, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.420 dated 04.11.2019 under Sections 147, 148, 149, 323, 325 and 302 Indian Penal Code, 1860 registered at Police Station Sadar Fatehabad, District Fatehabad, who is in custody since his arrest on 21.11.2019.

The allegations in the FIR, as noticed by the learned Additional Sessions Judge, Fatehabad in the order dated 02.02.2021 are as under:-

“As per police reply, on 04.11.2019, a telephonic message was received from Control Room, Fatehabad in Police Post Dariyapur regarding admission of Mangal Singh son of Inder Singh, Joga Singh son of Mangal Singh, Mukhtiar Singh son of Inder Singh, Manjit son of Mukhtiar Singh, Sukha Singh son of Mukhtiar Singh, Kuldeep Singh son of Mangal Singh and Harwinder Singh sons of Joga Singh, residents of Akanwali in General Hospital, Fatehabad after receiving injuries in a quarrel. On this, ASI Surya Kant alongwith fellow police officials reached at Police Post General Hospital, Fatehabad and obtained medical ruqqa and medico-legal reports of injured and

all the injured had been referred to MAMC, Agroha. Thereafter, ASI Suryakant reached at MAMC, Agroha and one ruqqa regarding death of Mangal Singh and another medical ruqqa regarding injuries sustained by aforesaid injured was presented to ASI Suryakant by Medical Officer and complainant Joga Singh and injured Manjeet Singh were declared fit for making statement. The statement of complainant Joga Singh son of Mangal Singh, resident of Akanwali, District Fatehabad was got recorded. The complainant Joga Singh has alleged in his statement that they were two brothers and some kikar trees were planted in the panchayat land in front of their house. On 03.11.2019, the son of his neighbour Gurmeet Singh son of Sukhchain Singh had cut one kikkar tree and they raised objection in this regard, upon which, they abused them. On 04.11.2019, at about 07:00 am, Sukhchain Singh son of Mahender Singh armed with gandasi, Sukhwinder son of Mahender Singh armed with lathi, Balbir Singh son of Mahender Singh armed with lathi, Harpreet Singh son of Sukhchain Singh armed with tangli, Gurmeet Singh son of Sukhchain Singh armed with lathi, Kuldeep Kaur wife of Gurmeet Singh armed with danda, Satpal Singh son of Sukhwinder Singh armed with iron pipe, Manpreet Singh son of Sewa Singh armed with danda, Lakhwinder Kaur wife of Sukhwinder Singh armed with danda and Richhpal Singh son of Sukhwinder Singh armed with binda of kassi, all residents of Akanwali except Balbir Singh resident of Hanspur and 2-3 other persons came in front of their house and raised lalkara that whoever wanted the kikkar tree may come out. On hearing the commotion, the complainant Joga Singh, his father Mangal Singh, his brother Kuldeep Singh, his paternal uncle Mukhtiar Singh, his cousins Manjeet Singh and Sukha Singh, his son Harwinder Singh came out side and then aforesaid assailants attacked them with their respective weapons with an intention to kill them. They received injuries. They raised an alarm upon which all the assailants alongwith their weapons fled away from the spot. They were got admitted in General Hospital, Fatehabad for treatment and thereafter, they were referred to MAMC, Agroha. His father Mangal Singh died due to injuries received in the occurrence. Thereafter, the case FIR was registered. The matter was investigated. The petitioner/accused Sukhwinder Singh was arrested on 20.11.2019 and he suffered disclosure statement regarding his involvement in occurrence of present case. During investigation, Section 325 of IPC was added in this case. On completion of investigation, final report under Section 173 Cr.P.C. against petitioner/accused alongwith coaccused Sukhchain Singh, Sukhwinder Singh, Harpreet Singh, Gurmeet Singh, Kuldeep Kaur and Satpal Singh was prepared and submitted in the court on 29.01.2020.”

Learned counsel for the petitioner has argued that the complainant Joga Singh has falsely implicated the petitioner in the above

case and no specific role has been attributed to him. He submits that in all ten accused persons were named in the FIR, but after investigation, three persons, namely, Manpreet Singh, Lakhwinder Kaur and Richhpal Singh were found innocent and this shows that the version given by the complainant was not truthful. He has further produced the copy of the order dated 12.01.2021 passed in CRM-M-31803-2020 and submitted that petitioner's co-accused, namely, Kuldeep Kaur has already been released on regular bail, therefore, the petitioner also deserves the same concession as the investigation of the case is complete. He prays for bail

On the other hand, prayer is opposed by learned State counsel, who is assisted by Mr. R.S.Mamli, learned counsel for the complainant as well as by SI Bhal Singh. It has been argued that the petitioner is specifically named in the FIR and he is brother of co-accused-Sukchain Singh and he along with other assailants attacked the victims, which resulted in death of Mangal Singh. According to learned State counsel, six other persons were severely injured and multiple fractures were suffered by them. Mr. R.S.Mamli, learned counsel has pointed out that the petition for bail filed by the brother of the petitioner, namely, Sukhchain Singh has already been dismissed by this Court vide order dated 12.01.2021.

After hearing learned counsel for the parties and considering the above background, this Court finds that as per prosecution, the petitioner was armed with a danda and accompanied by other assailants,

had attacked the victims, wherein seven persons were injured and later on Mangal Singh succumbed to the injuries. The statements of the injured witnesses were also recorded during investigation and all of them have named the petitioner as an accused, who allegedly participated in the crime.

During the course of hearing, it was conceded by Mr. Dhir, learned counsel for the petitioner that three accused persons, who were found innocent after completion of investigation, have been summoned by the trial Court by exercising powers under Section 319 Cr.P.C and presently they are also facing trial. No doubt, the co-accused of the petitioner-Kuldeep Kaur has been released on bail, being a lady, but the case of the petitioner is distinguishable as Sukhchain Singh and petitioner along with their respective sons and others went to the house of complainant and committed the alleged crime. Admittedly, the trial is at the initial stage as only one prosecution witness has been examined so far and material injured witnesses are yet to be examined, therefore, the petitioner does not deserve the concession of regular bail.

Resultantly, without meaning any expression and opinion on the merits of the case, petition is dismissed.

23.03.2022

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**(MANOJ BAJAJ)
JUDGE**

Whether speaking/reasoned :

Yes No

Whether Reportable :

Yes No