

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7480-2022 (O&M)
Date of decision: 18.04.2022

Gaurav Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.S. Salar, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this 2nd petition is for grant of regular bail in FIR No.0038 dated 18.06.2019 under Sections 308/34 IPC (charge has been framed under Sections 304/34 IPC), registered at Police Station Sandaur, District Sangrur (now District Malerkotla); earlier one was dismissed as withdrawn on 03.03.2020.

Learned counsel for the petitioner submits that new ground for filing this second petition is that statements of the complainant and private witnesses have been recorded and the petitioner is in custody for the last 02 years and 09 months. It is further submitted that as per allegations in the FIR, registered at the instance of Balwinder Singh, his father was working at Water

Supply Works in Village Sandaur and he used to recover the bills of the department from the people and used to tell him that petitioner Gaurav, Bhuchar and their father Gogi used to raise dispute and abuse him. On 16.06.2019, his father had gone to Sandaur regarding his works and recovery of bills. The complainant's elder parental uncle Sodhi Singh had also gone to Sandaur for jobs. He told on phone that somebody has caused injuries to Labh Singh and thrown him near the pond of Village Sandaur. When the complainant along with his cousin Simanpreet Singh reached at the spot and took his father to the hospital. His father Labh Singh told that Gaurav, Bhuchar and Gogi gave him beatings. Later on, Labh Singh died in a private hospital.

Learned counsel further submits that now statements of complainant Balwinder Singh, who appeared as PW1 and Simanpreet Singh have already been recorded by the trial Court. It is also submitted that there is lot of variations in both these witnesses and it will be a matter of trial whether the petitioner has, in fact, committed the offence with the motive that the deceased was asking to deposit the water bills of the department. It is next submitted that since the private witnesses, who are not eyewitnesses, have already been examined, there is no apprehension of extending any threat to other witnesses, who are official witnesses. Learned counsel has lastly argued that medical evidence did not suggest the manner, in which the injuries were caused to the injured.

Learned State counsel has filed status report by way of affidavit of Investigating Officer/ASI Charanjit Singh, Police Station Sherpur, District Sangrur as well as custody certificate, in the Court today. In the affidavit, it is

stated that the complainant has alleged that his father told him that petitioner Gaurav, Bhuchar and Gogi used to threat him, when he asked for payment of the bills. They caused injuries to his father Labh Singh and he died later on. It is further stated that during the investigation, one Manohar Lal was found innocent and Sections 302 & 308 IPC were deleted and Section 304 IPC was added.

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, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

18.04.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No