

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10267-2022

DATE OF DECISION: MARCH 15, 2022

BHUPINDERJIT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR.AMIT ARORA, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SINGH SANDHU, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.102 dated 8.8.2021, under Section 302, 506, 148, 149 IPC (Section 120-B added later on), Police Station Jhabhal, District Tarn Taran, who is in custody since his arrest on 8.8.2021.

The allegations contained in the FIR as noticed by the Sessions Judge, Tarn Taran in the order dated 12.10.2021, are as under:-

“The applicant-accused, alongwith 4 named co-accused, has been booked in the present FIR on the statement of Charanjit Kaur, wife of Sharanjit Singh, resident of Dashmesh Nagar, Amritsar, recorded on 08.08.2021 to the effect that complainant is house hold lady. The marriage of complainant was solemnized with Sharanjit Singh, resident of Bagheri Kalan about 12-13 years back. The husband of complainant was working on the spare part shop of Bikramjit Singh, son of Saran Singh, at Jhabhal, for the last so many years but had left the job

some time back, due to which Bikranjit Singh etc were nursing grudge against Sharanjit Singh. Today, on 08.08.2021, at about 05:00 am, Sharanjit Singh left the house by saying that he is going to the shop of Bikramjit Singh for job/work and shall return soon. However, when Sharanjit Singh did not return and complainant tried to telephonically contacted Sharanjit Singh, the phone was switched of. Then complainant, alongwith her brother Simarjot Singh, reached the spare part shop at Jhabhal, where Sharanjit Singh was being given beatings by Bikramjit Singh, son of Saran Singh, Bhupinder Singh, son of Harjit Singh, Harjit Singh, Inderjit Singh and Jajbir Singh son of Chanan Singh. Out of fear, complainant and her brother did not come forward and the accused took the husband of complainant on their motorcycle towards Amritsar road. After the complainant made enquiry, it was revealed that all the assailants have murdered the husband of complainant, after giving him beatings and have got the deceased admitted in Gupta Hospital. As the complainant reached Gupta Hospital, all the assailants fled away. The reason for attack is that Sharanjit Singh was working in spare part shop at Jhabhal and accused used to allege that Sharanjit Singh deceased has committed theft in their shop. Due of which, all the assailants attacked Sharanjit Singh and gave him beatings, thereby, killing him.”

Learned counsel for the petitioner has argued that the victim namely, Sharanjit Singh was employed at the shop of co-accused Bikramjit Singh, who suspected that victim had committed theft and gave beatings to him with other accused and caused his death on 8.8.2021. According to him, the petitioner also runs a shop which is situated near the shop of the co-

accused, who was incidentally present when the occurrence took place and though the name of the petitioner is given by the complainant, namely, Charanjit Kaur, wife of the victim, but no overt-act is attributed to him. He has drawn the attention of the Court to the final report (Annexure P-2) and submitted that the said occurrence was videographed and in the said video footage, the petitioner is not seen amongst those who were giving beatings to the victim. He has argued that on the basis of the supplementary statement made by the complainant, the petitioner has been falsely implicated on the strength of the criminal conspiracy for having instigated the other accused to commit the crime. He has argued that a specific motive has been attributed to co-accused Bikramjit Singh, therefore, there is no occasion for the petitioner to instigate the other co-accused. He prays for bail.

On the other hand, learned State counsel assisted by ASI Kuldeep Singh has opposed the aforesaid prayer on the ground that the petitioner is named in FIR, who was present at the place of occurrence. He further states that investigation of the case qua the petitioner is complete, but the other co-accused are yet to be arrested. Learned State counsel is unable to refute the argument of the learned counsel for the petitioner that as per final report, he is only shown to have been standing at the place of occurrence.

Considering the above background, the custody of the petitioner, and the fact that the final report has been filed, but the charges are yet to be framed and the trial is yet to commence, therefore, further detention of the petitioner may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

March 15, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No