

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11946-2022 (O&M)
Date of decision: 17.05.2022

Bona Singh @ Bona

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Shrey Goel, Advocate
for the petitioner.

Mr. Joginder Pal Rata, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.120 dated 02.06.2020 under Section 302 (added later on), 307, 326, 324, 323, 148, 149, 506, 120-B IPC, registered at Police Station Shimlapuri, Police Commissionerate Ludhiana.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Gagandeep Singh, on 01.06.2020, he had gone to his in-laws place and his friend Avtar called him that their friend Kali died and he should also come. On this, he informed that he would reach at about 07.30 pm. When the complainant reached Village Gill, he called his friend

Ramandeep Singh and told him to come to his house. Ramandeep Singh was standing outside his house and both of them started for the house of Kali. When they reached near a flyover, friend of the complainant Raman called from his phone and asked him about his location. On this, the complainant told him that he was waiting at Kwaliti Chowk and they should reach there. When they reached at that place and parked the motorcycle, in the meantime, 5-6 motorcycles came, on which 3-3 persons were sitting, holding weapons in their hands. The persons sitting on the motorcycles are named in the FIR including the petitioner. Thereafter, all of them attacked the complainant side, detail of which is given in the FIR.

Learned counsel further submits that after framing of charge, statement of complainant/victim Gagandeep Singh, who appeared as PW1, was recorded, in which it is stated that the accused persons present in the Court through video conferencing never inflicted any injury to him and his friend and his signatures were obtained by the police. He further stated that the assailants were having muffled faces. This witness was declared hostile and in cross-examination, even he denied having made any statement to the police. Learned counsel has further referred to statement of PW2 Ramandeep Singh, another injured witness, who also stated that he never witnessed any occurrence and the accused persons present in the Court never inflicted injuries to deceased Ramandeep son of Satnam Singh in his presence. This witness was also declared hostile and in cross-examination, he denied having made any statement to the police. It is further submitted that even statement of PW4 Gurmeet Kaur,

mother of deceased Ramandeep, was recorded and she was also declared hostile and was cross-examination by the Public Prosecutor.

Learned counsel has further submitted that the petitioner is in custody for the last 01 year, 09 months and 24 days; he is not involved in any other case; all the private witnesses have already examined and only official witnesses remain to be examined, therefore, there is no possibility of tempering with the prosecution evidence or extending any threat to the prosecution witnesses.

Affidavit of Investigating Officer/SI Ranjit Singh, Police Station Shimlapuri, Ludhiana, filed in the Court today, is taken on record, in which, after verifying the facts of the case, it is stated that the complainant suffered 10 injuries and similarly, deceased Ramandeep suffered five injuries and died due to cardiorespiratory arrest. The opinion of the doctor reads as under: -

“cause of death is due to cardiorespiratory arrest due to haemorrhage and shock due to injury to vital organ i.e. brain and other injuries.”

Learned State counsel, on the basis of custody certificate filed in the Court today, could not dispute the factual position.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the facts that main prosecution witnesses/eyewitnesses have not supported the prosecution version; the petitioner is in custody for the last 01 year, 09 months and 23 days and is not involved in any other 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/Illaqa Magistrate/Duty Magistrate, concerned.

[ARVIND SINGH SANGWAN]
JUDGE

17.05.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No