

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

210

CRM-M-12765-2022
Date of decision: 13.07.2022

RANJIT SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. P.S. Dhaliwal, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VINOD S. BHARDWAJ. J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 45 dated 22.08.2021 registered under Sections 302, 364, 342, 325, 323, 506 read with Section 34 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Mehal Kalan, District Barnala.

2. As per the contents of FIR, Jaskaran Singh alongwith Iqbal Singh were going to their house at Mehal Khurd on motorcycle. Motorcycle was driven by Iqbal Singh. When they reached one kilometer short of village Mehal Khurd, near the house of Bahadur Singh at about 9.00 pm, Harpreet Singh, Gurpreet Singh, Bahadur Singh, Bhawandeep Singh, Navdeep Singh, Ranjit Singh (petitioner herein) and Satnam Singh armed with sticks and hockeys etc were

standing and raised lalkara. Iqbal Singh first slowed down motorcycle and then he accelerated speed. At this, Jaskaran Singh fell down. Harpreet Singh etc dragged him to their house. Harpreet Singh gave stick blow on his right arm. Whereas Gurpreet Singh gave a hockey stick blow on his back. Bahadur Singh gave multiple handle blow on left arm. Bhawandeep Singh gave blow of wooden log on left leg. Navdeep Singh gave stick blow on right side of head. Ranjit Singh (petitioner) and Satnam Singh raised lalkara that today he should not be spared. Thereafter Harpreet Singh raised lalkara that earlier he has caused injuries to him and he would take revenge, Iqbal Singh informed at the house of Jaskaran Singh. At this Baldeep Singh, Jaswinder Singh and Harpal Singh came to the house of Bahadur Singh and asked Bahadur Singh etc that they had not done the right thing by causing injuries on the person of Jaskaran Singh. Jaskaran Singh was admitted in the hospital. During the course of investigation, Jaskaran Singh died due to his injuries and offence was enhanced to one under Section 302 of the IPC.

3. Learned counsel appearing on behalf of the petitioner has submitted that a bare perusal of the allegations culled out in the FIR clearly show that the incident in question had already commenced prior to the attribution against the petitioner of having raised a *lalkara*. Hence, the offence in question was not instigated at the instance of the petitioner and the injuries were already being caused by the co-accused. He contends that there is no other attribution against the petitioner apart from raising a lalkara along with Satnam Singh who has already been found innocent by the Investigating Agency during the course of

investigation. He submits that the petitioner does not suffer from any criminal antecedents and has been in custody since 26.09.2021 and has already undergone an actual custody of 09 months and 16 days. It is pointed out that the petitioner is a young boy of 21 years and his entire future prospects have been marked as a result of his involvement in the aforesaid case.

4. Learned counsel appearing on behalf of the respondent-State has pointed out that the petitioner had actively participated in commission of offence by exhorting the assailants to cause injuries to the deceased. He however could not controvert the fact that the petitioner does not suffer from any criminal antecedents and also that even as per the FIR, the incident in question had already commenced prior to the allegation of lalkara against the petitioner. He points out that the charge in the case has been framed, however, no witness has been examined so far and that there are 26 witnesses to be examined by the prosecution.

5. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

6. Without examining the merits of the instant case and taking into consideration, the attribution against the petitioner, the period of custody, his age as well as the clear antecedents of the petitioner, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

7. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond

to the satisfaction of the Trial Court/Duty Magistrate, concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

JULY 13, 2022
vishal sharma

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No