

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-16953-2022

DATE OF DECISION: APRIL 29, 2022

MANDEEP KUMAR @ LADDU

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. A.P.S. REHAN, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SINGH SANDHU, SR.DAG, PUNJAB.
MR. RITURAJ SINGH, ADVOCATE FOR THE COMPLAINANT.

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.128 dated 9.8.2020, under Section 302, 148, 149 IPC (Section 201 and 120-B IPC added subsequently), Police Station Bullowal, District Hoshiarpur, who is in custody since his arrest on 1.9.2020.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Hoshiarpur, in the order dated 25.3.2022, are as under:-

“As per allegations in brief the present case was registered on the statement of complainant Sukhdev Singh, wherein he stated that he was having two sons Karandeep Singh alias Karan aged about 22 years, who had applied for job of Security Guard in Sonalika factory and his younger son Kamaldeep Singh is studying in 10+2. On the day of occurrence i.e. 9.8.2020 his son Karandeep Singh had gone alongwith Sandeep Singh alias Seepa to attend a wedding on motorcycle make Pulsar No.PB-07-2065. They were returning from village

Chakowal Sheikhan and when they reached in front of the house of Sarpanch, it was about 7.15PM. From the side of village ground Balwinder Kumar alias Gopi armed with Kirch, Seppy armed with Kirpan, Kewal Singh armed with Kirpan, Amarjit Singh alias Kaka armed with Kirpan, Mandeep Singh armed with Khanda, two other boys armed with Kirchs, Bawa armed with Kirch alongwith one more boy Ashu armed with Khanda came there. They were also accompanied by five unknown persons, who were also armed with Kirpans and Khandas. They surrounded his son Karandeep Singh. On hearing alarm, he alongwith his other brother Dharminder Singh saw the aforesaid boys causing injuries to Karandeep Singh with their respective weapons. On the alarm raised by them, people of the village started collecting there and the aforesaid assailants managed to escape from there alongwith their weapons. His son Karandeep Singh was badly injured, who was taken to Civil Hospital, Hoshiarpur, where he was declared dead. This occurrence took place due to the conspiracy hatched by Seepa and Balwinder Kumar alias Gopi. The aforesaid boys were inimical towards his son and for this reason he was caused injuries, which resulted into his death.”

Learned counsel for the petitioner has argued that Dharminder Singh, brother of the complainant who was also an eye witness of the alleged crime has attributed injuries suffered by victim to Balwinder Kumar @ Gopi and no specific injury has been attributed to the petitioner. In this regard, he has invited the attention of the Court to his supplementary statement recorded on 10.8.2020. He submits that the case of the petitioner is at par with the case of co-accused Mandeep Singh @ Manga who has

been released on regular bail, and apart from him, two other co-accused of the petitioner, namely, Sandeep Singh @ Seepa and Tajender Kumar @ Bawa have also been released on regular bail. He prays for bail.

Learned counsel for the complainant is unable to point out anything to distinguish the case of the petitioner with the co-accused Mandeep Singh @ Manga who was released on bail vide order dated 14.3.2022 (Annexure P-5). However, he has argued that the petitioner was member of the unlawful assembly and participated in the crime which resulted in death of the son of the complainant. He prays for dismissal of the petition.

Learned State counsel assisted by HC Jaswant Singh has opposed the aforesaid prayer, however, it is not disputed by him that the case of the petitioner is at par with his co-accused Mandeep Singh @ Manga. He on instructions further submits that charges have been framed on 3.3.2022.

After hearing the learned counsel for the parties, considering the above background as well as the custody of the petitioner, this Court finds that charges have been framed and similarly situated co-accused of the petitioner has already been released on regular bail, 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.

April 29, 2022

Gulati

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No

(MANOJ BAJAJ)
JUDGE