

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-17835-2022 (O&M)
Date of Decision:-6.5.2022

Bhagwan Krishan and another ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Munish Puri, Advocate for
Ms. Deepti Rampal, Advocate for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Harbans Singh.

Ms. Sandeep Kaur, Advocate for
Mr. Ritesh Pandey, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners have approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.200 dated 13.12.2021, Police Station Shahpurkandi, District Pathankot, under Sections 302, 120-B and 34 of Indian Penal Code.
2. The FIR was lodged at the instance of Sardari Lal, wherein it is alleged that on 13.12.2021, he alongwith his nephew Dinesh Kumar had gone to flour mill. While they were present there, Shanker Deep Gautam armed with an

axe and Akashdeep Gautam armed with a '*datar*' came there. Shanker Deep Gautam raised a '*lalkara*' exhorting his companion to catch hold of Dinesh Kumar and to teach him a lesson for raising a fight with them. Akashdeep Gautam is alleged to have given a blow with '*datar*' hitting Dinesh Kumar on his forehead. Shanker Deep Gautam also inflicted a blow with axe to Dinesh Kumar on his forehead and on account of which, Dinesh Kumar fell unconscious. The accused gave several kick blows while Dinesh Kumar was lying down. Upon alarm being raised by the complainant, the accused ran away from the spot. The complainant alleged that a few days back when he alongwith Dinesh Kumar was passing through the street, then Rameshwar Nath, Anant Isher Gautam, Nilam Devi, Bhagwan Krishan, Radha Rani, Akashdeep Gautam, Shanker Deep Gautam were sitting in the courtyard of the house of Bhagwan Krishan and upon seeing them, they challenged the complainant and Dinesh Kumar that they would be taught a lesson for having caused injuries to Akashdeep Gautam and Shanker Deep Gautam. It is the case of prosecution that Dinesh Kumar on account of the injuries inflicted by Akashdeep Gautam and Shanker Deep Gautam lost his life.

3. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case solely on account of the fact that they happen to be parents of Akashdeep Gautam and Shanker Deep Gautam, who allegedly inflicted blows to deceased with help of '*datar*' and axe resulting in his death. Learned counsel has submitted that even as per the FIR the petitioners were never present at the place of occurrence.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that since the petitioners are specifically named in the FIR, it is apparent that all the accused had conspired together to

kill Dinesh Kumar and, as such, no case for grant of bail is made out. Learned State counsel has, however, informed that that out of the 7 accused, 3 have already been declared as innocent. It is not disputed that the petitioners were not present at the place of occurrence and that they are not involved in any other case and that challan already stands present while charges are yet to be framed.

5. I have considered rival submissions addressed before this Court. It is not in dispute that petitioners were never present at the place of occurrence. Petitioner No.1-Bhagwan Krishan is aged 63 years. Petitioner No.2 is a lady. In any case, challan already stands presented. In these circumstances, further detention of the petitioners would not be justified. The petition, as such, is accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

6.5.2022

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No