

CRM-M-20140-2022

Date of Decision: 17.05.2022

**Jobanjit Singh @ Jobandeep Singh @ Jobanpreet Singh
.....Petitioner**

Vs.

**State of Punjab
.....Respondent**

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Amit Arora, Advocate, for the petitioner.

Mr. Rana Harjasdeep Singh, A.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

This petition has been filed under the provisions of Section 439 of the Cr.P.C., for grant of 'regular bail' to the petitioner in the context of FIR No. 115, dated 07.05.2020, registered at Police Station Sadar Patti, District Tarn Taran, for the alleged commission of an offence punishable under the provisions of Section 302 of the IPC [with Sections 3 (2) (V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 having been added later].

Firstly, it is to be noticed that this is the 2nd such petition filed by the petitioner, the first one having been 'dismissed as withdrawn' on 29.06.2021 (CRM-M-22737-2021).

Learned counsel for the petitioner submits that, firstly, the person who is alleged to have instigated the petitioner to have hit the deceased (as per the allegations in the FIR), i.e. Manjinder Singh, he was not even arraigned as an accused by the investigating agency and consequently, the motive itself becomes doubtful.

He next submits that the incident took place on 06.05.2020 at 07:00 p.m. as per the FIR and that while he was being taken to hospital, Ramanjot Singh died, but even the information for registration of the FIR itself was given on 07.05.2020 at 01:30 p.m.

He further submits that the petitioner has been in custody since 08.05.2020, with 22 prosecution witnesses listed to be examined and with only 02 having been examined so far, with the charges having been framed on 09.04.2021.

Having considered the aforesaid arguments, it is first to be noticed that as per the allegations against the petitioner (as per the FIR), the complainant, i.e. the father of the deceased, alleges that he saw the petitioner fighting with his son and giving him blows with a '*Garari*' (fly-wheel) attached to an iron rod, with 04-05 such blows having been given continuously on the stomach chest, neck and face of Ramanjot Singh, who fell down due to the aforesaid injuries.

Upon the complainant and others having reached there, the petitioner is alleged to have run away.

Looking at the nature of the injuries alleged to have been inflicted by the petitioner, leading to the death of one person and the fact that so far at least the complainant and another eye witness have not been examined, at this stage at least I am not at all inclined to admit the petitioner to bail, with the petition therefore dismissed.

However, no observation made by this court in this order would be taken into consideration to determine the actual guilt or innocence of the petitioner, all such observations having been made only in the context of a

petition filed under the provisions of Section 439 of the Cr.P.C.; and naturally, his guilt/innocence would be determined on the basis of evidence led.

May 17, 2022
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No.