

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

242/5	CRM-M-25270 of 2022 (O&M)	
Keemti Kumar	Date of Decision:20.12.2022	
		Petitioner
	Versus	
State of Punjab		
		Respondent
2)	CRM-M-2619 of 2022	
Sandeep Singh		
		Petitioner
	Versus	
State of Punjab		
		Respondent
3)	CRM-M-2784 of 2022	
Shiv Kumar		
		Petitioners
	Versus	
State of Punjab		
		Respondent
4)	CRM-M-15033 of 2022	
Sukhwinder Singh @ Monu		
		Petitioners
	Versus	
State of Punjab		
		Respondent
5)	CRM-M-54372 of 2021 (O&M)	
Sukhraj		
		Petitioners
	Versus	
State of Punjab		
		Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Bipan Ghai, Senior Advocate, with
Mr. Nikhil Ghai, Advocate,
for the petitioner in CRM-M-25270 of 2022.

Mr. APS Rehan, Advocate,
for the petitioner in CRM-M No.2619 of 2022.

Mr. Lakhwinder Singh Mann, Advocate,
for the petitioner in CRM-M-2784 of 2022.

Mr. J. S. Mahal, Advocate, for
Mr. M. S. Bajwa, Advocate,
for the petitioner in CRM-M-15033 of 2022.

Mr. Shekhar Verma, Advocate,
for the petitioner in CRM-M-54372 of 2021.

Mr. Jashandeep Singh, AAG, Punjab

Mr. Gaurav Pathania, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

CRM No. 34491 of 2022

For the reasons mentioned in the application, the same is allowed.

CRM No. 34492 of 2022

The present application has been filed under Section 482 of the Code of Criminal Procedure seeking permission to place on record the some of the statements of the prosecution witnesses (as specifically mentioned in the head note of the present application).

In view of the facts narrated in the application, the same is allowed and the aforesaid statements of the prosecution witnesses are taken on record.

Main cases

All the five cases are taken up together for final disposal with the

consent of learned counsel for the parties since the prayer made in all these cases is for grant of regular bail and they arise out of the same FIR No.56 dated 28.06.2021, under Sections 302, 148, 149 IPC, registered at Police Station Narot Jaimal Singh, District Pathankot.

Learned senior counsel who has appeared on behalf of the petitioners submitted that all the petitioners are in custody for about 1 year and 5 months. The petitioner Keemti Kumar was named in the FIR and is in custody from 18.7.2021 and the remaining 4 petitioners are also in custody for about 1 year and 5 months. He submitted that as per the allegations in the FIR and the prosecution story, the complainant Rajnish had made a complaint that he received a phone call from one Jagjit Singh and his friend Sukhjeet Singh @ Manna who told that an accident had taken place between two Trallas who have collided with each other at one realty point Siuti towards Narot Jaimal Singh and the driver of the Tralla received injuries and were enquiring about him. After this, the aforesaid Jagjit Singh along with Rajinder Singh went towards the spot but they did not return for a long time and later it was found that the aforesaid Rajinder Singh who had gone along with Jagjit Singh had died. The body of Rajinder Singh was found about 100 feet near the aforesaid Trallas in a pit where there was mud and as per the medical report various bruises and abrasions were found on the body of the deceased Rajinder Singh. Learned senior counsel submitted that the petitioner Keemti Kumar was earlier granted interim bail by this Court and he has already surrendered well in time. He further submitted that so far as the other four co-accused are concerned, they are not even named in the FIR and their names were surfaced on the basis of the supplementary statement of the complainant. Learned senior counsel also

submitted that after completion of investigation the trial has already commenced and all the five material witnesses have been examined out of the cited 25 witnesses. The complainant Rajnish and the eye witness Jagjit Singh have already been examined. Apart from the above, one Sarpanch of the village who identified the body has been examined. The medical experts have also been examined. He referred to the statement of the medical officer wherein he had stated in cross-examination that the possibility of the injuries alleged in the postmortem report cannot be ruled out by falling on hard surface alleged in the postmortem report and it is not possible that the neurogenic shock can be occurred due to high blood pressure. Thereafter she also stated that the possibility of the neurogenic shock cannot be ruled out by falling on hard surface.

Learned senior counsel also submitted that in fact it was a case where the deceased had fallen in a pit of mud while carrying his own phone in his hand and the death might have occurred because of that reason which gets corroborated from the fact that the injuries as per the postmortem report on the deceased were only bruises and abrasions which have also come in the statement of the aforesaid medical officer and therefore the allegations against the petitioners that the deceased was killed by using blunt weapon was not correct.

Learned senior counsel further submitted that all the petitioners have already faced incarceration for about 1 year and 5 months and all the material witnesses have been examined and they are not habitual offenders and are not involved in any other case and therefore considering the aforesaid facts and circumstances they may be considered for the grant of regular bail.

On the other hand, Mr. Jashandeep Singh, learned AAG, Punjab

submitted that it is correct that all the petitioners are in custody for about 1 year and 5 months and so far as the petitioner Keemti Kumar is concerned, he was granted interim bail by this Court and he has already surrendered well in time. He submitted that it is also correct that all the petitioners are not involved in any other case and are not habitual offenders and the five witnesses including Jagjit Singh eye witness, complainant Rajnish, Sarpanch of the village and the medical expert have already been examined. He has however opposed the grant of bail to the petitioners on the ground that the matter was serious in nature whereby the death has been caused by way of beatings.

Mr. Gaurav Pathania, Advocate has appeared on behalf of the complainant and has also opposed the grant of bail to the petitioners on the ground that the petitioners collectively caused injuries upon the deceased and thereafter had thrown him in the pit and therefore they are not entitled for the grant of regular bail.

I have heard learned counsel for the parties.

It is a case where all the petitioners are in custody for about 1 year and 5 months and as per learned counsel for the parties, all the material witnesses including eye witness Jagjit Singh, the complainant Rajnish, Sarpanch of the village and the medical expert have already been examined. As per learned counsel for the parties, all the petitioners are not habitual offenders and are not involved in any other case. This Court does not wish to observe anything on the merits of the case on the basis of the medical evidence but is considering the prayer of the petitioners for grant of regular bail only. The fact that the petitioners have already undergone incarceration for about 1 year and 5 months and all the material

witnesses have been examined, coupled with the fact that it is not a case of the State counsel that in case the petitioners are released on bail then they may abscond from justice or they may repeat the offence, the petitioners deserve the concession of regular bail.

Therefore, considering the totality of the facts and circumstances of the present case, all the five petitions are allowed. The petitioners shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of these five petitions.

(JASGURPREET SINGH PURI)
JUDGE

December 20, 2022
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No