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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29471-2021
Date of decision: 10.05.2022

HARDEEP SINGH AND ANR

...Petitioners

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. P. S. Paul, Advocate
for the petitioners.

Mr. Vikas Mohan Gupta, Addl. A. G., Punjab.

Mr. Arnav Kumar, Advocate
for the complainant.

JAISHREE THAKUR, J.

This is the second petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case FIR No.0089 dated 10.05.2020, under Sections 323, 341, 506, 148, 149 of the IPC (Section 302 of the IPC added later on), registered at Police Station Lalru, District SAS Nagar, Mohali.

As per allegations in the FIR, registered at the instance of complainant-Gurjinder Singh, it is stated that on 09.05.2020, he along with his family members were sitting in his house in the evening, when his father namely Pritpal Singh went outside the house in the street and at about 07:35 PM, Gondu (Satnam Singh) son of Hardeep Singh, Vicky (Bikramjit Singh) and Shami (Gurpreet Singh) sons of Hardeep Singh, Billa and Kala sons

of Resham Singh, all residents of village Jalalpur Bassi, started abusing and quarreling with his father and were calling him with bad names. On hearing the ruckus on the street, he along with his uncle Parwinder Singh and uncle's son Gurwinder Singh came out in the street as well and asked about the reason for quarrelling with Pritpal Singh. Then the aforesaid persons along with the petitioners attacked his father with bricks and brick bats and an attempt was made to save his father, who had blood oozing out of his injuries on head and mouth. He further stated that one Neeta son of Niranjana Singh caused injuries to his father by giving stick blows on his head and his uncle namely Parwinder Singh and uncle's son Gurwinder Singh were given lathi blows. A description was given in the complaint of the other persons also who attacked the father of the complainant and his family members. On account of the injuries suffered, Sandeep Singh son of Janak Singh took all the injured persons for treatment to the Civil Hospital, Derabassi, from where they were referred to GMCH Sector-32, Chandigarh and then from there, were referred to PGI, Chandigarh, where uncle of the complainant namely Parwinder Singh and uncle's son Gurwinder Singh were discharged. Father of the complainant was operated at PGI, Chandigarh on 10.05.2020 and was discharged on 11.05.2020. Thereafter, he died on 12.05.2020.

Learned counsel for the petitioners *inter alia* would contend that petitioner No.1-Hardeep Singh has not been named in the FIR and it is only when a supplementary statement was given by the complainant, which was recorded two days later, that he has been nominated as an accused in the present FIR. As regards, petitioner No.2-Beant Singh @ Billa, learned counsel would submit that though he has been named in the FIR, yet no role has been attributed to him other than having a quarrel with the deceased. It is

submitted that co-accused of the petitioners namely Jarnail Singh also suffered injuries at the hands of complainant party and a cross-version has been registered against the complainant party on 10.05.2020. It is submitted that petitioner No.2 has also suffered head injuries at the hands of complainant party. It is submitted that the statement of the complainant has already been recorded, in which he has specifically stated that he cannot give the details as to which of the persons had inflicted what kind of injuries.

Learned State counsel, on the other hand, opposes the grant of regular bail to the petitioners by contending that there are specific allegations against the petitioners herein and on account of injuries suffered, the father of the complainant has died. It is submitted that even though the statement of the complainant has been recorded, two eye-witnesses to the event, who had also suffered injuries, are yet to be examined and, therefore, there is every likelihood of the petitioners herein influencing their testimony.

Learned counsel for the complainant would also submit that the two material eye-witnesses are yet to be examined and, therefore, there is every likelihood of the witnesses being influenced of their evidence being tampered with.

I have heard learned counsel for the parties and have perused the paper-book.

The allegations against the petitioners herein are that the petitioners and their co-accused formed an unlawful assembly, armed with weapons and caused injuries to deceased Pritpal Singh with bricks, brick bats and wooden sticks. Deceased Pritpal Singh succumbed to his injuries subsequently and offence under Section 302 IPC has been added. Apart from causing grievous and fatal injuries to deceased Pritpal Singh, complainant,

uncle of the complainant Parwinder Singh and uncle's son Gurwinder Singh were also injured when an attempt was made to save Pritpal Singh. The evidence of the material witnesses is yet to be recorded and, therefore, even though the complainant statement has come on record, it would not be expedient at the present moment to allow concession of regular bail to the petitioners herein. Learned counsel for the petitioners would also contend that the petitioners are in judicial custody since the day of their arrest i.e. May, 2020, however, the length of the custody cannot be taken into account at the present moment since the material witnesses are yet to be examined.

Consequently, the present petition is dismissed.

However, it is made clear that the observations made herein are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

10.05.2022
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No