

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-35354-2020 (O&M)
Date of Decision:- 10.5.2022

Sukhwinder Singh @ Sukha and others ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Ms. Ekta Thakur, Advocate for the petitioner.

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

GURVINDER SINGH GILL, J.

1. The petitioners Sukhwinder Singh @ Sukha, Gurpreet Singh @ Vicky and Lucky @ Lakhvinder Singh seek grant of regular bail in a case registered against them vide FIR No.130 dated 13.5.2020 under Sections 302, 148, 149 IPC at Police Station City Kharar, District SAS Nagar.
2. The FIR was lodged at the instance of Ranjit Singh (who narrated the incident to the police as told to him by Manpreet Singh) wherein he has stated that one of his brothers namely Gurpreet Singh had been married to Mandeep Kaur but their marriage was dissolved and that his brother's wife namely Mandeep Kaur was residing alongwith her son Gagandeep Singh in a rented house in village Chanalon near Kurali. On 13.5.2020, Mandeep Kaur came to complainant's house alongwith a boy named Manpreet Singh @ Manna, resident of village Chanalon. The said Manpreet Singh @ Manna

in the presence of the complainant and Sarpanch Bant Singh Kalara narrated that on 8.5.2020 when he alongwith his friend Gagandeep Singh were going on their motorcycle, their friends Sahilpreet Singh alongwith his relative Totta were accompanying them on another motorcycle. They reached village Khanpur near Kharar where Sahilpreet Singh's maternal uncle Balvir Singh was residing as Balvir Singh had disclosed that his daughters Taranpreet Kaur and Manpreet Kaur had eloped with Lucky and Harsh on 8.5.2020 and that while the boys had returned back to their house but the daughters had not. When all four of them reached the house of Balvir Singh in village Khanpur, the mother of Sahilpreet Singh namely Jaspreet Kaur had also reached there. They all reached the house of Lucky. However, during the course of conversation, there was a quarrel. Manpreet Singh disclosed that he alongwith his friend Gagandeep Singh ran away from there, being scared. When they were near Khanpur chowk, 6-7 persons, who were carrying sticks, swords and rods, advanced towards them while raising *lalkara*. It is alleged that the said persons gave stick blows to them as a result of which they fell down from their motorcycle. While Gagandeep Singh was lying fallen, a Sikh boy gave a blow with '*kirch*' on his right plank. Another boy gave a blow with '*daat*' (sickle) on the right leg of Gagandeep Singh. Similarly, another one of them gave a blow with '*kirch*' on the right hand of Gagandeep Singh. Thereafter, the said persons fled away from the spot while issuing threats. Manpreet Singh further disclosed that he took Gagandeep Singh to Civil Hospital on his motorcycle and also made a phone call to mother of Gagandeep Singh, who also reached at the hospital. Manpreet Singh further disclosed that he and Gagandeep Singh, being

scared, told his mother that Gagandeep Singh had met with an accident near village Chanalon. Gagandeep Singh on account of his serious condition was referred by the doctors at Civil Hospital, Kurali to Govt. Hospital, Mohali and later from Govt. Hospital, Mohali he was referred to Government Hospital, Sector 32, Chandigarh. On 12.5.2020, the complainant came to know that Gagandeep Singh had died in Government Hospital, Sector 32, Chandigarh on account of the injuries sustained by him. At that time, the doctor in Government Hospital, Sector 32, Chandigarh had disclosed to Mandeep Kaur, mother of deceased Gagandeep Singh that death had taken place on account of the injuries sustained by him in a fight and not on account of a vehicular accident.

3. Manpreet Singh further disclosed that later he again went to village Khanpur and made inquiries and came to know that the injuries had been inflicted by Sukhwinder Singh @ Sukha with his '*kirch*', Lucky with '*daat*' (sickle), Gurpreet Singh @ Vicky with rod and by Manpreet Singh @ Laddi son of Avtar Singh with stick. The complainant, upon getting the aforesaid information from Manpreet @ Mana narrated the same to the police on the basis of which FIR was lodged.
4. The learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and that infact the complainant is not an eye-witness to the occurrence and that the version as disclosed by the complainant Ranjit Singh is based on what that had been told to him by Manpreet Singh @ Mana. The learned counsel has further submitted that infact the first version in the present case is the statement of Manpreet Singh @ Mana made to the police on 12.5.2020 (Annexure P-2)

wherein he had stated that it was Lucky, Harsh and some of their known persons who had inflicted injuries to Gagandeep Singh in his abdomen with the help of '*kirch*' and on his leg with the help of '*daat*' whereas an improved version is forthcoming in the FIR wherein names of other accused have also been introduced. It has further been submitted that in fact the mother of deceased had informed the police on 9.5.2020 that the death was on account of a vehicular accident and that she did not want to take any action, as has been specifically recorded in DDR No. 21 dated 9.5.2020. The learned counsel has further submitted that since the petitioners have been behind bars for a substantial period of about 2 years and the trial has not made any headway, the petitioners deserve the concession of grant of regular bail.

5. On the other hand, the learned State counsel has submitted that although Manpreet Singh @ Mana had initially disclosed to mother of deceased that they had entered into a fight which he stated so as he was scared but later on, he disclosed the correct factual position and that infact the medical evidence clearly shows that it is a case of death on account of receipt of injuries with weapons and not on account of a fall from motorcycle or vehicular accident. The learned State counsel has submitted that since the petitioners are specifically named in the FIR, their complicity is clearly evident. The learned State counsel, while furnishing information as regards the antecedents of the accused, has stated that while petitioner Sukhwinder Singh stands involved in 6 cases, the petitioner Gurpreet Singh stands involved in 9 cases, which would clearly show that two of the petitioners are seasoned criminals. It has further been submitted that although petitioner

Lucky is not stated to be involved in any other case but he is specifically named in the initial statement dated 12.5.2020 (Annexure P-2) of Manpreet Singh @ Manna and also in the FIR recorded on 13.5.2020. It has been informed that as on date 2 out of the cited 22 PWs have been examined.

6. I have considered rival submissions addressed before this Court.
7. It is not in dispute that all the three petitioners are specifically named in the FIR wherein specific allegations to the effect that they had inflicted injuries to the deceased with the help of '*kirch*', '*daat*' and iron rod.
8. The postmortem discloses that the deceased had sustained as many as 10 injuries which are described in the postmortem report as follows :-
 - “ 1. Multiple dark brown scabbed abrasion, size varies from 1.5 cm x 1 cm x 0.5 cm, were present in an area of 7 cm x 5 cm over left side of face, 5 cm outer to outer angle of left eye.
 2. Dark brown scabbed abrasion, size 4 cm x 1 cm, present vertically over back of right elbow.
 3. Dark brown scabbed abrasion, size 4 cm x 0.5 cm, present obliquely over outer aspect of back of right hand, 3 cm from midline and 2.5 above base of right index finger.
 4. Dark brown scabbed abrasion, size 5 cm x 4 cm, present over tip of left shoulder joint, 9 cm from base of neck.
 5. Dark brown scabbed abrasion, size 10 cm x 4 cm, placed vertically over back of upper one third of left forearm, 6 cm below elbow joint.
 6. Multiple dark brown scabbed abrasion, size varies from 2 cm x 1 cm to 1 cm x 0.5 cm, present over lower one third of back of left arm, 3 cm above elbow joint.
 7. Penetrated wound of diameter 1.8 cm packed with gauze piece. On removing the gauze piece and on approximation wound size is 2.5 cm x 0.3 cm x abdominal cavity deep, placed horizontally, present over right side of front of abdomen, centre of the wound was situated 24 cm from midline and 6 cm above the ASIS.

Track of the wound: weapon cuts into subcutaneous tissue, entered the abdominal cavity and on further exploration, surgical repair of cecal perforation was done.

8. Dark brown scabbed abrasion, size 7 cm x 5 cm, present over front of left knee joint
 9. Dark brown scabbed abrasion, size 4 cm x 3 cm, present over outer aspect of left ankle joint.
 10. Sutured wound of length 4 cm present horizontally over front of upper one third of right leg 5 cm below knee joint with 3 sutures in situ. On removing the sutures, it was bone deep and margins were irregular and on further exploration of the wound, linear fracture of underlying bone was present with extravasation of blood into surrounding tissue.”
9. As per the opinion of the doctor, as recorded in the postmortem report, the cause of death has been opined to be on account of complication of injury no. 7 which was on intestine. It is quite apparent that such kind of stab injuries cannot be a result of a road accident or a fall from motorcycle and had been intentionally inflicted upon the deceased.
 10. In view of the aforesaid discussion, this Court does not find any ground for grant of regular bail at this stage. The petition is sans merit and is hereby dismissed.
 11. The trial Court is, however, directed to take necessary steps for expediting the conclusion of trial.
 12. It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case.

10.5.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No