

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

CRM-M-43861-2021 (O&M)

Date of Decision:-21.11.2022

Ghandeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Parveen Kumar, Advocate for
Mr. Abhimanyu Singh, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by SI Badar Ram.

Mr. Kulwinder Singh, Advocate for
Mr. S.S. Sarwara, Advocate for the complainant.

GURVINDER SINGH GILL, J. (Oral)

CRM-29818-2022

In view of the reasons mentioned in the application, the same is allowed and the documents annexed with the application are taken on record as Annexures P-3 and P-4 subject to all just exceptions.

CRM-M-43861-2021 (Main Case)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.77, dated 9.6.2021, Police Station Shambu, District Patiala, under Sections 302, 308, 323, 325, 452, 342, 506, 148, 149 of Indian Penal Code.

2. The FIR was lodged at the instance of Kulvir Singh son of Ramesh Singh, wherein it is alleged that on 9.6.2021 at about 9.30 a.m., his father reached the house on his motorcycle. When the complainant opened the gate of his house, Jujhar Singh armed with '*Gandasi*', Jagtar Singh armed with '*Takua*', Simaranjit Singh armed with '*Kirpan*', Karamjit Singh armed with '*Kirpan*', Angrej Singh armed with '*Danda*', Balkar Singh armed with '*Gandasi*' and Amarjit Singh armed with '*Gandasi*' came there and all of them started abusing them. Upon seeing them, complainant's father Ramesh Singh had swiftly entered into the house. However, the said persons followed complainant's father. Karamjit Singh gave a '*kirpan*' blow on the head of Ramesh Singh. Simranjit Singh also gave a '*kirpan*' blow on the left arm of Ramesh Singh. Jagtar Singh gave a '*Takua*' blow on the right leg of Ramesh Singh. Amarjit Singh gave a '*Gandasi*' blow on his left leg. Balkar Singh gave a '*Gandasi*' blow on his right leg. Jujhar Singh gave a '*Gandasi*' blow on his left leg. When the complainant tried to rescue his father, Simranjit Singh gave a '*Kirpan*' blow on his head. Karamjit Singh gave a '*Kirpan*' blow on the left side of his neck. Jagtar Singh gave a '*Takua*' blow on his nose. Balkar Singh gave a '*Gandasi*' blow on his right arm. Jujhar Singh gave a '*Gandasi*' blow on his left arm. Amarjit Singh gave a '*Gandasi*' blow on his right leg and Angrej Singh gave '*Danda*' blows to the complainant and his father. Thereafter, the said persons had caught the complainant and his father from hair and tried to drag them towards their house. However, Charanjit Kaur, mother of the complainant and Harmeet Singh, brother of the complainant, rescued the complainant. The said persons forcibly took away complainant's father Ramesh Singh to their house and they gave beatings to him in their house also. They kept confined Ramesh Singh in their house,

where Ghandeep Singh gave kick blows to him (complainant's father). It is alleged that that the said persons caused injuries to his father with an intention to kill him. Ultimately complainant's father succumbed to his injuries.

3. Learned counsel for the petitioner has submitted that although the petitioner is specifically named in the FIR, but a perusal of the FIR would indicate that he was nowhere present when the first part of occurrence took place, wherein several accused are alleged to have inflicted injuries with lethal weapons and had abducted the deceased Ramesh Singh. As per the FIR, it was subsequently when said Ramesh Singh was under confinement when the petitioner gave kick blows to him. It has been submitted that admittedly the petitioner was not armed with any weapon and had not participated in the initial occurrence.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that it is a case where all the accused shared a common object of murdering Ramesh Singh and that even if any of the accused was not armed with any weapon or had played a passive role, the same would be insignificant having regard to the fact that they all were working to achieve the same object i.e. murder of Ramesh Singh. It has been submitted that since the petitioner is specifically named in the FIR and had apparently participated in keeping the victim confined and is also alleged to have given kick blows to him, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year and 5 months. It has also been informed that the petitioner happens to be involved in one more case registered for offences under Sections 341, 323 and 326 of Indian Penal

Code. It has been informed that none out of the cited 24 PWs has been examined till date.

5. This Court has considered the rival submissions.
6. Having regard to the nature of allegation, wherein the petitioner is not alleged to have participated in the first part of the occurrence, wherein the co-accused armed with lethal weapons had inflicted injuries to the victim and had abducted him and that the petitioner otherwise has been behind bars for a substantial period of 1 year and 5 months and also that none out of the cited 24 PWs has been examined so far, further detention of the petitioner would not be justified. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

21.11.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No