

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(236)

CRM-M-42461-2022

Date of decision: - 20.09.2022

Raja Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Paramjit Singh Sullar, Advocate,
for the petitioner.

Mr. Iqbal S. Mann, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.197 dated 12.09.2021 registered under Sections 304, 34 IPC (Sections 302, 201 added later on) at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

Learned counsel for the petitioner has submitted that even as per the FIR, no injury suffered by the deceased has been attributed to the present petitioner and the injuries inflicted on the deceased are alleged to have been given by co-accused Karni Singh. It is submitted that as per the FIR version, the petitioner Raja Singh, along with Karni Singh and Mangal Singh, was quarreling and fighting with the Jeth (brothers-in-law) of the complainant namely, Lakhwinder Singh and Seepa Singh and Karni Singh was armed with a *dang* in his hand whereas the petitioner was not

stated to be having any weapon in his hand and it was in that moment that the deceased tried to rescue his brother, when Karni Singh had given a *dang* blow on the head of the deceased-Gurmit Singh with full force on account of which, he fell down to the ground. It is further submitted that from a perusal of the FIR, it is apparent that there was a quarrel going on, which was not with the deceased and the deceased had come only to resolve the dispute and to rescue his brother when co-accused Karni Singh had given the said fatal injury all of a sudden at the time of said incident. It is stated that apart from the fact that the petitioner has not been alleged to have inflicted any injury upon the deceased, even the incident had taken place suddenly on account of the deceased having intervened in the matter. It is further stated that no injury has been caused to the brothers-in-law of the complainant, i.e. Lakhwinder Singh or Seepa Singh or the complainant herself who was stated to be present at the time of occurrence and there is no MLR qua the above said persons. It is further submitted that the petitioner has been in custody since 23.09.2021 and the investigation is complete and there are 23 witnesses and none of them have been examined and thus, the trial is likely to take time. It is stated that no recovery has been effected from the petitioner. It is further stated that although, the alleged incident is of 01.09.2021 but the FIR has been registered on 12.09.2021, thus, there is a delay of 11 days in registration of the FIR from the date of the alleged incident. It is also stated that the petitioner is not involved in any other case.

Learned State counsel, on the other hand, has opposed the present petition and has submitted that the petitioner was also present at

the spot during the incident in question when Karni Singh had inflicted a head injury to the deceased on account of which, the deceased had died.

This Court has heard learned counsel for the parties and has perused the paper book.

A perusal of the FIR would show that no injury has been attributed to petitioner and there is no allegation that the petitioner had given any injury to the deceased. The injury inflicted on the deceased has been attributed to Karni Singh with *dasti dang* (stick). There is no MLR with respect to any injuries suffered by Seepa Singh, Lakhwinder Singh or the wife of the deceased, who were all present at the spot. As per the FIR, there was a quarrel going on between the petitioner Mangal Singh and Karni Singh, being on one side and Lakhwinder Singh and Seepa Singh on the other side when, the deceased had intervened and in that moment, Karni Singh had given a blow on the head of the deceased on account of which, he died. In the statement of the complainant, the incident is stated to be of 01.09.2021 whereas the complaint has been given on 12.09.2021 and FIR was registered on 12.09.2021, i.e., after a delay of 11 days. The petitioner has been in custody since 23.09.2021 and there are 23 witnesses and none of them have been examined and thus, the trial is likely to take time. The petitioner is stated to be not involved in any other case. The case of the present petitioner is on similar footing as that of said co-accused Mangal Singh, who has already been granted the concession of regular bail by this Court vide order dated 05.08.2022. passed in CRM-M-11751-2022.

Keeping in view the above said facts and circumstances, the

present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

September 20, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No