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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 14.03.2022

1. CRM-M-43728-2020

Mandeep Singh @ Manga

.. Petitioner

Vs.

State of Punjab

..Respondent

AND

2. CRM-M-37977-2021

Sandeep Singh @ Seepa

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Krishan Singh Dadwal, Advocate
for the petitioner in CRM-43728-2020.

Mr. Surjeet Singh Sodhi, Advocate
for the petitioner in CRM-M-37977-2021.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioners have filed these separate petitions for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.128 dated 09.08.2020 registered under Sections 302, 148 and 149 IPC (Sections 120-B and 201 IPC added later on) at Police Station Bullowal, District

and 10.08.2020 respectively.

The FIR was registered on the statement of Sukhdev Singh and the allegations as noticed by the ld. Sessions Judge, Hoshiarpur in the order dated 28.07.2021 are as under:

“The facts of the case are that Sukhdev Singh complainant gave his statement to the police that he was having two sons Karandeep Singh alias Karan aged about 22 years, who had applied for job of Security Guard in Sonalika factory and his younger son Kamaldeep Singh is studying in 10+2. On the day of occurrence i.e. 9.8.2020 his son Karandeep Singh had gone alongwith Sandeep Singh alias Seepa to attend a wedding on motorcycle make Pulsar No.PB-07-2065. They were returning from village Chakowal Sheikhan and when they reached in front of the house of Sarpanch, it was about 7.15 PM. From the side of village ground Balwinder Kumar alias Gopi armed with Kirch, Seppy armed with Kirpan, Kewal Singh armed with Kirpan, Amarjit Singh alias Kaka armed with Kirpan, Mandeep Singh armed with Khanda, two other boys armed with Kirchs, Bawa armed with Kirch alongwith one more boy Aashu armed with Khanda came there. They were also accompanied by five unknown persons who were also armed with Kirpans and Khandas. They surrounded his son Karandeep Singh. On hearing alarm, he alongwith his other brother Dharminder Singh saw the aforesaid boys causing injuries to Karandeep Singh with their respective weapons. On the alarm raised by them, people of the village started collecting there and the aforesaid assailants managed to escape from there alongwith their weapons. His son Karandeep Singh was badly injured, who was taken to Civil Hospital, Hoshiarpur, where he was declared dead. This occurrence took place due to the conspiracy hatched by Seepa and Balwinder Kumar alias Gopi. The aforesaid boys were inimical towards his son and for this reason he was caused injuries, which resulted into his death.”

Learned counsel for the petitioner(s) have argued that as per allegations, victim Karandeep Singh @ Karan was surrounded by five named accused persons along with five unidentified persons and was given injuries resulting into his death. According to him, the complainant Sukhdev Singh did not name the petitioner Mandeep Singh @ Manga in FIR as one of the assailants, who has been falsely implicated in this case.

He has further invited the attention of the Court to the statement of

Dharminder Singh recorded under Section 161 Cr.P.C. and submitted that this witness, who is brother of the complainant has though named the petitioner Mandeep Singh @ Manga, but attributed the injury caused on forehead of deceased to some unidentified accused. Learned counsel has argued that as the petitioners did not cause any injury to the victim, their further custody may not be necessary, as the trial is progressing at a slow pace and no prosecution witness has been examined so far.

The prayer is opposed by learned State counsel assisted by ASI Jagdeep Singh, who has argued that the petitioner Mandeep Singh @ Manga was a member of the unlawful assembly, who had actively participated in the crime. He has argued that the injury on the forehead of the victim caused by sharp edged weapon is attributed to petitioner Mandeep Singh @ Manga and the said weapon was also recovered from him, however, no injury is attributed to accused Sandeep, who was also a member of unlawful assembly. He further states that in all, there are eighteen prosecution witnesses, but the charges have been framed recently on 03.03.2022 and the case is coming up for recording the prosecution evidence on 28.03.2022.

At this stage, Mr. Dadwal, learned counsel for the petitioner has again pointed out that the said injury on the forehead as per statement of Dharmender Singh is caused by some other accused other than petitioner Mandeep Singh @ Manga.

Learned State counsel is unable to refute this argument.

After hearing the learned counsel for the parties, this Court finds that though the charges have been framed on 03.03.2022, but the trial is yet to commence, therefore, it is evident that the conclusion of trial would

take considerable time. Thus, the further detention of the petitioners behind the bars may not be necessary for any useful purpose, who are presently confined in judicial custody after their arrest.

Resultantly, without meaning any expression of opinion on the merits of the case, the petitions are allowed and it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, concerned.

14.03.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No