

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-50961-2021(O&M)

Date of decision : 03.02.2022

Jagtar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present : Mr.H.P.S. Ghuman, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

CRM-2791-2022

Allowed as prayed for.

Annexures P-3 to P-5 are taken on record subject to all just exceptions.

CRM-M-50961-2021

This is a first petition under Section 439 Cr.P.C. for grant of regular bail in FIR no.86 dated 21.04.2021 registered under Sections 323, 325, 341, 34 IPC (Sections 302, 307, 201, 120-B IPC added later on) at Police Station Sadar Samana, District Patiala.

The FIR in the present case has been registered on the statement of Jaspreet Singh son of Sukhdev Singh who had stated that one Sohi Baba along with two unknown persons in a Verna car had come to the

house of the complainant and inquired about his father and in the meantime Sukhdev Singh, i.e. the father of the complainant, rode on a TVS scooty to come to his house but when he saw the said three persons outside his home, he got scared and turned around his scooty towards the field and tried to run away. When, the three persons in the Verna car started chasing the father of the complainant, the mother of the complainant told the complainant to follow the said persons and the complainant saw that his father was being beaten up by the said three persons with rods and *dandas* and after leaving him unconscious, they escaped from the spot. It had been alleged in the FIR that one of the accused persons is Sohi Baba and the others could be identified upon seeing them. During investigation, confessional statement of Amarjeet Singh @ Sohi Baba was recorded under Section 27 of the Evidence Act and as per the said statement it was said Amarjeet Singh @ Baba, Bachittar Singh @ Ladi and Arun Kumar @ Chhotu, who had inflicted injuries upon the father of the complainant whereas the present petitioner and one Karan were sitting in the Duster car and when the Verna car had got stuck, it was then that the said Amarjeet Singh sat in the Duster car and fled from the place of occurrence.

Learned counsel for the petitioner has submitted that even as per the prosecution case, the petitioner has not been named in the FIR and a perusal of the Fir would show that there were three persons who were stated to have inflicted injuries upon the deceased Sukhdev Singh (father of complainant). It has been submitted that the said three persons, even as per the prosecution case, are Amarjeet Singh @ Sohi Baba, Bachittar Singh and Arun Kumar @ Chhotu. It has further been argued that even as per the confessional statement of Amarjeet Singh @ Sohi Baba under Section 27 of

the Evidence Act and the statement of Lovepreet Singh under Section 161 Cr.P.C., which have been recorded on 29.05.2021 and 12.06.2021 respectively, the petitioner was not the person who had caused injuries to the deceased Sukhdev Singh and had allegedly only helped the main accused person in fleeing from the spot in the Duster car, in which the petitioner along with one Karanbir were waiting. It has further been submitted that the petitioner has been in custody since 09.06.2021 and there are 28 prosecution witnesses and none of them have been examined yet and the trial is likely to take time moroso, in view of the present pandemic. It has also been stated that the petitioner is not involved in any other case.

Learned State counsel, on the other hand, has opposed the bail petition and has submitted that the petitioner is involved in the commission of offences and he along with Karan, had facilitated the main accused to flee from the scene of crime, in the Duster car.

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

It is not in dispute that the petitioner was not named in the FIR and as per the FIR, there were three persons who had inflicted injuries upon Sukhdev Singh, father of the complainant. One of the said persons was named as Amarjeet Singh @ Sohi Baba and the other two persons were stated to be unknown persons. All three persons were stated to be in a Verna car. As per the confessional statement of Amarjeet Singh @ Sohi Baba dated 29.05.2021 and also the statement of Lovepreet Singh recorded under Section 161 Cr.P.C. on 12.06.2021, it is apparent that three persons, who were in the Verna car, were Amarjeet Singh @ Sohi Baba, Bachittar Singh and Arun Kumar @ Chhotu, who had caused injuries to Sukhdev Singh

using iron rod and *dandas*, which resulted into the death of said Sukhdev Singh. The role which has been attributed to the present petitioner is that he along with Karan, were sitting in the Duster car and were waiting one kilometer away from the farm house of Bhag Singh and had helped the main accused in fleeing from the place of occurrence when the Verna car had got stuck. Thus, even as per the prosecution case, neither any injury has been attributed to the petitioner, nor the petitioner has been stated to be carrying any weapon. The question as to whether on the basis of confessional statement and the statement given by Lovepreet Singh after delay of more than one month from the date of occurrence, the petitioner could be involved in the present case or not, would be a matter of trial. At any rate, even as per the said statements, no injury has been attributed to the petitioner. The petitioner has been in custody since 09.06.2021 and there are 28 prosecution witnesses and none of them have been examined yet and thus, the trial is likely to take time moreso, in view of the present pandemic. The petitioner is stated to be not involved in any other case.

Keeping in view the abovesaid 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.

(VIKAS BAHL)
JUDGE

February 03, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No