

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50652-2021 (O&M)
Date of Decision : February 24, 2022

Rajanbir SinghPetitioner
Versus
State of PunjabRespondent

CORAM : HON'BLE MR. ARVIND SINGH SANGWAN

Present : Mr. J.S. Bains, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.
(Through video conferencing)

Arvind Singh Sangwan, J.

This is the second application for grant of regular bail to the petitioner in case FIR No. 99 dated 28.4.2020 registered under Section 302 IPC at Police Station Kathu Nangal District Amritsar (Rural) and Sections 148, 149, 120-B IPC (added later on) as the earlier one i.e. CRM-M-10769-2021 was dismissed as withdrawn on 28.09.2021.

As per the allegations in the FIR, registered at the instance of Surjit Singh it is stated that his brother Nirankar Singh @ Bau is running a photography shop and on 27.4.2020 he had gone to the house of Lakhwinder Singh @ Lakhi. He informed this to his wife Manjit Kaur that he is going to his friend's house Lakhwinder Singh @ Lakhi. At about 10.00 p.m. he got an information from one Gurjeet Singh that Nirankar Singh @ Bau was lying in an injured condition on the roadside near agricultural land of

Gulwant Singh. The complainant, along with his younger brother Avtar Singh, went to the spot and found him in unconscious condition. There were number of injuries on his face by sharp edged weapons. He was taken to the Guru Ram Dass Hospital, Amritsar for treatment where the doctor declared him dead.

Counsel for the petitioner submits that, thereafter, one of the co-accused, suffered an extra judicial confession before Jarnail Singh, that he along with five other co-accused have caused injuries to Nirankar Singh @ Bau and the motive for committing the murder was the Panchayat land and as the deceased was the husband of the Sarpanch, who had got registered a case in Police Station Majitha to get the Panchayat land vacated from the possession of the accused persons and, therefore, it was a deep rooted conspiracy. These accused persons attacked Nirankar Singh @ Bau on account of which he had died. Later on, when the co-accused were arrested, he disclosed the name of the petitioner as one of the member of the unlawful assembly who had caused injuries to deceased Nirankar Singh @ Bau by giving him merciless beatings.

Counsel for the petitioner has further submitted that after the arrest of all the co-accused, mobile phones were recovered from Gurkirat Singh and Daler Singh and blood stained clothes were recovered from Ravinder Singh @ Shera, a stick was recovered from Gurpreet Singh @ Gopi and a scooter was recovered from Dilpreet Singh. However, nothing was recovered from the petitioner.

The learned State counsel, on instruction from the Investigating Officer has, however, opposed the prayer on the ground that the petitioner was part of the unlawful assembly, which has caused multiple injuries on the body of deceased Nirankar Singh @ Bau resulting into his death. Learned State counsel has further submitted that even the motive for causing injuries to Nirankar Singh @ Bau is apparent because his wife, being Sarpanch of the village, has got registered a case against the accused party for getting the Panchayat land vacated, which was in illegal possession of the accused side. Learned State counsel has further submitted that the statement of the prosecution witnesses are yet to be recorded and in case the petitioner is granted the concession of regular bail, he is likely to influence them.

After hearing the learned counsel for the parties and considering the serious allegations against the petitioner, I find no ground to grant the concession of regular bail to the petitioner.

Resultantly, the present petition is dismissed.

February 24, 2022
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(ARVIND SINGH SANGWAN)
JUDGE