

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-52992-2021

Date of Decision: 16.12.2022

Karamjeet Singh alias Karampreet Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Jatinder Nagpal, Advocate
for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

Mr. Anmol Puri, Advocate,
for the complainant.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.0050 dated 6.5.2020 registered for the offences punishable under Sections 302, 307, 323, 326, 324, 341, 188, 506, 148, 149 IPC and Sections 51 and 54 of Disaster Management Act (Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act added later on) at Police Station Passiana, District Patiala.

FIR in this case was registered on the statement of Yadwinder Singh real brother of deceased Bhupinder Singh, as per which, his brother Bhupinder Singh was brutally attacked by a large number of persons whose names are detailed in the FIR and on account of infliction of number of stab wounds by sharp edged weapons, Bhupinder Singh died. The complainant and his cousin Balwinder Singh also suffered injuries in the said occurrence

at the hands of the opposite party. In the said FIR, the complainant had named 14 assailants but the petitioner was not named in the same. Thereafter, in his supplementary statement dated 16.5.2020, the complainant had named another 10 assailants including the present petitioner who was stated to be armed with wooden stick.

Counsel for the petitioner submits that the petitioner has been falsely implicated in the present case after 10 days of the registration of the FIR and no specific injury is attributed to the petitioner who is alleged to be armed with wooden stick. He further submits that during the investigation of the case, the petitioner was arrested and is in custody for the last about one year and five months. He further submits that similarly situated co-accused Amritpal Singh who was armed with wooden stick and was named as accused on the basis of the supplementary statement of the complainant dated 16.5.2020, is granted concession of regular bail vide order dated 29.10.2020 (Annexure R-1/B) passed in CRM-M-28917-2020 by the Coordinate Bench of this Court. He further submits that during the inquiry, out of 14 assailants, named in the FIR, 10 were found to be innocent by the investigating agency and they were not challaned by the police. He further submits that it will take considerable time for the trial to conclude and as such, no purpose is going to be served by keeping the petitioner in custody for any longer period.

Present petition is contested by the State counsel as well as counsel for the complainant, both of whom, have argued that the petitioner was member of unlawful assembly which caused 30 fatal injuries to Bhupinder Singh and at the time of the occurrence, the petitioner who was armed with wooden stick, actively participated and at that time, the

complainant and one Balwinder Singh also sustained injuries. Counsel for the complainant referred to judgment of Hon'ble Supreme Court in Criminal Appeal No.97 of 2022; Manno Lal Jaiswal v. State of Uttar Pradesh and another decided on 25.1.2022 in support of his arguments and made prayer that the present petition be dismissed.

State counsel, however, has admitted the fact that similarly situated co-accused Amritpal Singh was granted bail vide order Annexure R-1/B.

I have considered the submissions made by the counsel for the parties.

Admittedly, the petitioner was not named in the FIR in which the complainant named 14 assailants. The petitioner was named as an accused in his supplementary statement dated 16.5.2020 by the complainant, as per which, at the time of the occurrence, the petitioner was armed with wooden stick. State counsel has admitted the fact that during the inquiry, out of 14 assailants named initially in the FIR, 10 are found to be innocent and as such, not challaned by the police.

As per post mortem report of deceased Bhupinder Singh, he sustained multiple stab wounds. However, as per prosecution version, at the time of the occurrence, the petitioner was armed with a blunt weapon (wooden stick).

As per custody certificate, the petitioner is behind the bars for the last more than 1 year and 4 months and on completion of investigation, the police has presented the challan but it will take considerable time for the trial to conclude. Similarly situated co-accused Amritpal Singh who was named on the disclosure statement of the complainant dated 16.5.2020 and

was armed with wooden stick is enlarged on bail by Coordinate Bench of this Court vide order dated 29.10.2020. Further, the facts in Manno Lal Jaiswal's case (supra) which is cited by the counsel for the complainant are distinguishable on the ground that in the said case, the appellants were named in the FIR whereas in the present case, the petitioner was named as an accused after about 10 days of the occurrence by the complainant in his supplementary statement.

In view of above, this Court is of the opinion that no useful purpose is going to be served by keeping the petitioner in custody for any further period.

Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, any observation made hereinabove is not to be construed as opinion on the merits of the case.

(KARAMJIT SINGH)
JUDGE

December 16, 2022

Paritosh Kumar

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No