

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.242 of 2022

Date of Decision: March 10, 2022

Simrandeep Singh @ Simma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Ankur Mittal, Advocate,
for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.102 dated 29.05.2020, under Sections 341, 323, 324, 506, 427, 148, 149 IPC, 1860, Section 307 IPC (deleted later on) and Sections 302/201 IPC (added subsequently), registered at Police Station, Khamanon, District Fatehgarh, who is in custody since his arrest on 07.12.2020.

The FIR was registered on the basis of statement of Baldeep Sharma, who has stated that on 28.05.2020, he alongwith Gagandeep Kumar had gone to Morinda in Swift car bearing No.PB-12W-1717 to bring Harjit Singh and when they reached near Grain Market after taking Harjit Singh at around 03.30 p.m., a motorcycle came from behind on which Harshpreet Singh and Simma were riding and started abusing them. Then they went to Khamanon market where he has received call of Simma that he wants to meet him but he refused. Then they were going to Chamkaur Sahib and

when they reached near Badesha Kalan at about 04:00 p.m., Arshpreet Singh Bhangu and Simma alongwith 8-10 persons encircled their car and attacked them. When they were trying to save themselves, Arshpreet Bhangu gave brick blow on his right eye and then Simma gave a kirpan blow on the left side of head of Harjit Singh and he fell down. Blood oozed out from his wound when he alongwith Gagandeep Kumar tried to rescue Harjit Singh, they were also given beatings. On hearing their cries, people started gathering there and accused fled from the spot with their respective weapons and threatened them while fleeing. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that victim Harjit Singh suffered injuries in the alleged occurrence, which took place on 28.05.2020 and initially the FIR was registered for the offence punishable under Section 323 IPC and subsequently offence punishable under Section 307 IPC was added on 20.06.2020. According to him, the petitioner already stood released on bail vide order dated 03.06.2020 and the victim, who was hospitalized on 18.06.2020, was discharged after completion of treatment on 17.07.2020. In this regard, he has invited the attention of the court to the discharge summary (Annexure P-3). He has argued that later Harjit Singh died on 12.08.2020 and it resulted in addition of Section 302 IPC and petitioner was again taken in custody on 07.12.2020. Mr.Mittal, learned counsel has argued that though the petitioner is named in the FIR and is attributed the head injury, but as per post mortem report, the cause of death is septicemia and at this stage, it would be debatable if the said injury was sufficient to cause death in ordinary course of nature. Learned counsel has drawn the attention of the court to the orders, whereby the other co-accused

have been released on bail. He prays for bail.

On the other hand, learned State counsel, assisted by ASI Sukhwinder Singh, has opposed the prayer on the ground that the petitioner actively participated in the crime and the fatal injury is attributed to him. However, it is not disputed that the other accused are on bail and the cause of death of Harjit Singh is described as septicemia, who died on 12.08.2020. He states that the petitioner, who was released on bail on 03.06.2020, was again taken in custody on 07.12.2020 and during the said period, the concession was never misused. According to him, the charges were framed on 18.11.2021, but no prosecution witness has been examined so far.

After hearing the learned counsel for the parties, considering the above background and custody of the petitioner, this court is of the opinion that the further detention of the petitioner behind the bars may not be necessary as the trial is likely to consume considerable time to conclude. Apart from it, the material witnesses are either the complainant or the police officials and there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Fatehgarh Sahib.

March 10, 2022
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No