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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7444-2023 (O&M)

Date of Decision: 26.04.2023

Rahul Singh Rana

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Bhanu Pratap Singh, Advocate, for the petitioner.

Mr. Arun William, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.92 dated 03.10.2020, under Sections 302, 34 IPC (Sections 323 and 341 IPC added later on), registered at Police Station Gardhiwala, District Hoshiarpur.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody from 04.10.2020 and now the case is fixed for prosecution evidence. He submitted that the petitioner has been falsely implicated in the present case and is based on suspicion and the petitioner was not even present at the place where the offence took place. He submitted that eight witnesses have already been examined and therefore the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Arun William, learned AAG, Punjab has

submitted that it is a case where as per the allegations contained in the FIR wherein the complainant stated that when he alongwith his friend namely Daljit Singh were on their way from the tubewell and when they reached the turning point of street of the Sarpanch, then Paramjit Singh @ Pamma, Narinder Singh, both armed with dangs, Rahul Singh Rana (Petitioner) armed with Datar were standing there. The complainant was driving a motorcycle. The aforesaid co-accused Paramjit Singh @ Pamma and Narinder Singh came in front of their motorcycle and encircled them and then he stopped the motorcycle and Paramjit Singh @ Pamma pulled out the key of the motorcycle and Narinder Singh raised a lalkara to teach them a lesson for what they have done to them and that they should be killed, then the friend of the complainant namely Daljit Singh alighted from the motorcycle. In the meanwhile even the father of Daljit Singh also came there. Thereafter the petitioner namely Rahul Singh Rana attacked with Datar upon the head of the aforesaid Daljit Singh with intention to kill him and for his safety, he took up his hand and the Datar hit him on his wrist due to which wrist of Daljit Singh hanged from his arm. Due to grievous injury sustained by Daljit Singh his father took him away. Thereafter the petitioner Rahul Singh Rana attacked the complainant with Datar from its reverse side which hit on his left wrist as a result of which he fell down from the motorcycle and then petitioner Rahul Singh Rana attacked with reverse Datar on his back which hit on right side of the shoulder. Thereafter co-accused Narinder Singh attacked him with dang which hit on his right ear. Thereafter again petitioner Rahul Singh Rana who was holding Datar attacked him from reverse side of Datar which hit on his right thumb.

Thereafter the attackers fled away alongwith their weapons. Thereafter one Gurpreet Singh made arrangement of vehicle and got the aforesaid Daljit Singh admitted in the hospital and thereafter he died during the treatment. The learned State counsel submitted that it is a case where there is a direct role of the petitioner wherein he attacked two persons with Datar repeatedly and there is a strong apprehension that in case the petitioner is released on bail, then he may abscond. He further submitted that although two of the co-accused have been granted bail by a Co-ordinate Bench of this Court but the petitioner is not at parity with those co-accused because the role attributable upon the deceased was towards the present petitioner who had attacked Daljit Singh with Datar which resulted in his death and therefore, the petitioner is not entitled for the grant of regular bail.

4. I have heard the learned counsel for the parties.

5. The petitioner is although in custody from 04.10.2020 but as per the allegations, direct role has been attributed to the petitioner that he had given Datar blow to Daljit Singh and he died during treatment in the hospital. The other co-accused namely, Narinder Kumar and Paramjit Singh have been granted bail by a Co-ordinate Bench of this Court but as per the allegations, the petitioner is not at parity with the aforesaid co-accused in view of the fact that the injuries attributable to the deceased Daljit Singh was towards the petitioner who allegedly had given a Datar blow with intention to kill him.

6. Therefore considering the gravity of the offence and the role attributable to the petitioner, this Court does not deem it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is dismissed.

8. However, anything observed hereinabove shall not be treated as

an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

26.04.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No