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2023:PHHC:062160

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-11576 of 2023 (O&M)
Date of Decision: May 01, 2023

**Karandeep Singh @ Karan
Versus
State of Punjab**

**...Petitioner
...Respondent**

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vivek K. Thakur, Advocate for the petitioner.

Mr. G.S. Shergill, AAG, Punjab.

Mr. Jasmeet Singh Ghuman, Advocate for the
complainant.

DEEPAK GUPTA, J.(Oral)

CRM No.17276 of 2023

This is an application to place on record copy of post mortem report of the deceased as Annexure P.5, MLR of injured Rohit as Annexure P.6, MLR of Lovepreet Singh as Annexure P.7 and the order dated 11.04.2023 passed by this Court qua co-accused as Annexure P.8.

Allowed. Annexures P.5 to P.8 are taken on record.

CRM-M-11576 of 2023

Petitioner is praying for grant of regular bail in case FIR No.20, dated 14.02.2022, registered at Police Station Subhanpur, District Kapurthala, under Sections 302, 307, 341, 427, 201, 148 and 149 of IPC.

2. FIR was lodged on the statement of Amandeep Singh S/o Harpreet Singh, as per which on 14.02.2022, he had gone to attend the wedding of co-villager Sukhvir Singh. At about 4.30 p.m., he noticed two

boys, namely, Rohit and Lovepreet were being beaten by three other boys, namely Manpreet, Jashan and Balraj and one more boy of village Bamuwal (later on identified as Malkit Singh). As complainant asked them not to fight as wedding was getting spoiled, Jashan, Manpreet and Balraj hit iron bangles on his head. He telephonically called his uncle Manpreet Singh @ Whisky, who came in his Maruti car and took him along with Rohit and Lovepreet to the hospital. However, on the way near Nadala chowk, Balraj, Manpreet @ Manna, Jashan @ Neri, Malkiat singh @ Landi, Heera and Karan (petitioner) and some unknown boys waylaid them and surrounded the car. They were wearing iron bangles and broke the glass of the car and brought them outside the car and started beating them with iron bangles. It was further submitted that Balraj Singh and Heera started beating his uncle Manpreet Singh @ Whisky and that Balraj Singh with full force gave a blow with iron bangles on the left cheek of his uncle under the eye, due to which he became unconscious. All the assailants started kicking him, threw him on the ground and attacked on him with iron bangles. Balraj and Heera also gave blows on his head with iron bangles and Karan (petitioner) gave beatings to him, whereas Manpreet Singh twisted the little finger on his hand, which was broken. They also gave beatings to Rohit and Lovepreet. They raised alarm. People gathered and assailants fled away.

3. Manpreet Singh @ Whisky expired during treatment. Necessary investigation was carried out, during which statements of injured were recorded. After investigation, final report under Section 173 Cr.P.C. was filed to prosecute the petitioner and five others.

4. It is submitted by the petitioner that as per the FIR version, complainant has narrated about two occurrences. In the first occurrence, three accused, namely, Manpreet, Jashal and Balraj besides an unknown boy of Village Bamuwal are alleged to have attacked the complainant and gave injuries and that in the second occurrence, the name of petitioner is disclosed, who along with others, is stated to have stopped the complainant and his uncle and caused injuries. Learned counsel pointed out that there is no specific attribution to the petitioner either to the deceased or to any of the injured. Fatal injury to deceased Manpreet Singh alias Whisky is attributed to Balraj Singh. The only role attributed to the petitioner is that he along with others had surrounded the car of the complainant party and that the petitioner had given beatings to the complainant without specifying the nature of injury. Learned counsel contends further that similarly placed co-accused Malkit Singh has already been allowed bail by this Court. Learned counsel has also drawn attention towards statement of Amandeep Singh PW1 during trial on 13.02.2023 (Annexure P.3) in which though he specifically attributed injuries to co-accused but there is no specific attribution to the petitioner.

5. Learned State Counsel along with counsel for the complainant opposed the petition by submitting that prosecution is being sought with the aid of Section 149 IPC and once it is found that petitioner was member of the unlawful assembly along with other co-accused, he does not deserve to be given the concession of bail, having regard to the gravity of the offence.

6. As per the custody certificate placed on record, petitioner is

in custody for the last 01 year, 01 month and 09 days.

7. No specific role is attributed to the petitioner, though the role of other co-accused is specified in the FIR and the statement of the complainant Amandeep made during trial. Co-accused Malkit Singh has already been allowed bail by this Court vide order dated 11.02.2023 in CRM-M-56777 of 2022. Petitioner is not involved in any other criminal case as per the custody certificate.

8. Having regard to aforesaid facts and circumstances, but without commenting further upon the merits of the case, the present petition is allowed. Petitioner is admitted to bail and he is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned.

May 01, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No