

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(208)1. CRM-M-15141-2021 Date of Decision: 16.01.2023

Buta Singh

--Petitioner

Versus

State of Punjab

--Respondent

2. CRM-M-32383-2022(O&M)

**Kulvir Singh (Jasvir Singh @ Jassa mentioned
in the FIR)**

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. C.S. Rana, Advocate for the petitioners.

Mr. Shubham Kaushik, AAG, Punjab.

RAJESH BHARDWAJ.J (Oral)

This common order will dispose of the aforementioned two petitions filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioners in case FIR No.180 dated 3.6.2018 under sections 302, 307, 506, 427, 148, 149, 120-B IPC registered at Police Station, Sidhwan Bet, District Ludhiana Rural.

As per factual matrix, a complaint was lodged by Sukhwinder Singh son of Malkit Singh, wherein it was alleged that he got married with Mandeep Kaur one and half month ago and after his marriage Rachpal Singh had threatened him to be killed for solemnizing marriage with Mandeep Kaur. On the date of occurrence at about 8.30 pm he was returning with his wife Mandeep Kaur to his village Talwada. When he reached before the cross roads all of a sudden Rachpal Singh, Mandeep

Singh @ Monu, Dilawar Singh, Baltej Singh, Bachan Singh, Giani, Gora, Jassa sons of Buta Singh, Buta Singh son of Hakam Singh (present petitioners) and Mahender Kaur along with 5/6 other persons came there armed with kirpans, gandasa and wooden sticks. Rachpal Singh raised a Lalkara that Sukhwinder Singh should not be allowed to go back for marrying Mandeep Kaur. He immediately turned and ran away from the spot and informed his father regarding the incident. On hearing this, his uncle Jeet Singh, his father Malkeet Singh, Prem Singh and Rinku came there on two motorcycles. The accused persons opened an attack on all of them. Resultantly, his uncle Jeet Singh died and his father Malkeet Singh suffered injuries. They took them to Civil Hospital, Jagraon. It was alleged that the assailants attacked his uncle and father as they were opposed to his marriage with Mandeep Kaur. A request was made to take legal action against the culprits.

The FIR was registered and investigation commenced. Petitioner Kulvir Singh @ Jasvir Singh @ Jassa was arrested on 12.5.2019, whereas petitioner Buta Singh was arrested on 8.11.2018. The statements of the witnesses were recorded, postmortem of the dead body was conducted and medical examination of injured was also conducted. Petitioners approached the court of learned Addl. Sessions Judge, Ludhiana for grant of bail, however, after hearing the parties, prayer for grant of bail to petitioner Kulvir Singh @ Jasvir Singh @ Jassa was declined vide order dated 30.11.2021 and that of Buta Singh was declined vide order dated 18.9.2020. Aggrieved by the same petitioners have approached this court for grant of bail.

Learned counsel for the petitioners has vehemently contended

that the petitioners have been falsely implicated in this case. It is submitted that in all there were 11 persons named in the FIR. Counsel submits that from the allegations made in the FIR the role attributed to the petitioner Kulvir Singh @ Jasvir Singh @ Jassa, as deposed by the complainant while being examined as PW-3 before the learned Trial Court, is that he damaged the motorcycle with his weapon i.e. Gandasi. So far as petitioner Buta Singh is concerned, it was deposed that he was armed with a Daang and he gave a blow of the same on the left eye of the complainant. It is submitted that postmortem of deceased Jeet Singh was conducted and there were three injuries found on his body. Counsel submits that the injured eye witness i.e. PW-3 is a stamped witness for the prosecution and as per his deposition both the petitioners have not caused any injury to the deceased. Rather Kulvir Singh @ Jasvir Singh @ Jassa has caused damage to the motorcycle and Buta Singh had caused injury on the left eye of the complainant. Counsel further submits that petitioner Buta Singh is behind bars for the last about 4 years, 2 months and petitioner Kulvir Singh @ Jasvir Singh @ Jassa is behind bars for the last about 3 years 8 months. The material witnesses already stand examined by the learned Trial Court. It is submitted that the occurrence in question took place on 7.6.2018 and till date prosecution has not examined even half of the witnesses. Counsel submits that every accused has a right of speedy trial, whereas the petitioners in this case are languishing in jail from the last about 4 years. It is submitted that petitioners have no criminal antecedents and in the facts and circumstances of the case, they deserve to be granted the benefit of bail.

On the other hand, learned State counsel has opposed the submissions made by counsel for petitioners. He submits that both the

petitioners have played an active role in the murder of Jeet Singh. They also caused injuries to complainant Sukhwinder Singh. It is submitted that out of 11 accused 7 have been arrested and 4 are yet to be arrested. It is further submitted that both the petitioners were part of an unlawful assembly and thus they would be liable for the charges framed against them. It is submitted that out of total 27 prosecution witnesses 9 have been examined till date. He submits that as per record petitioners have no criminal antecedents.

I have heard both the sides at length and have gone through the records carefully.

Admittedly, petitioners are behind bars since 8.11.2018 and 12.5.2019 respectively. As argued before this court the injured eye witness i.e the complainant was examined as PW-3 and he deposed that accused/petitioner Buta Singh had given a Daang blow on his eye, whereas accused/petitioner Kulvir Singh @ Jasvir Singh @ Jassa has caused damage to the motorcycle. As per postmortem report there were three injuries found on the dead body of the deceased and cause of death was declared to be shock and hemorrhage. It is evident from the record that co-accused Mahender Kaur was granted bail by this court vide order dated 17.3.2021. There is nothing on record to show that present petitioners have any criminal antecedents. The veracity of the allegations levelled against the petitioners would be assessed by the Trial Court only upon conclusion of the trial. This court would refrain itself from commenting on the merits of the case, as the allegations and counter allegations would be assessed only after evaluation of the complete evidence to be led by both the sides before the Trial Court. The trial would take sufficiently long time in its

conclusion.

In the totality of facts and circumstances and without making any observation on merits, present petitions are allowed. Petitioners be enlarged on bail on their furnishing bail/surety bonds subject to the satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

16.01.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No