

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

**Date of decision : 08.08.2023
CRM-M-16187-2023**

Subhash ChanderPetitioner

Versus

State of Punjab ...Respondent

CRM-M-17083-2023

Arun KumarPetitioner

Versus

State of Punjab ...Respondent

CRM-M-17654-2023

NareshPetitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Piyush Sharma, Advocate
for the petitioner in CRM-M-16187-2023.

Mr. Lupil Gupta, Advocate
for the petitioner in CRM-M-17083-2023.

Mr. O.P. Kamboj, Advocate
for the petitioner in CRM-M-17654-2023.

Mr. Amit Shukla, AAG, Punjab.

Mr. Sumeet S. Brar, Advocate
for the complainant in CRM-M-16187-2023,
CRM-M-17083-2023 and CRM-M-17654-2023.

PANKAJ JAIN, J. (ORAL)

The afore-mentioned three petitions have been filed under
Section 438 Cr.P.C. seeking anticipatory bail on behalf of the petitioners in

case FIR No.56 dated 23rd of March, 2019, registered at Police Station Sadar Fazilka, District Fazilka.

2. In the FIR, it was alleged as under :

“Statement of Dilbag Singh son of Kuldeep Singh caste Jatt Sikh resident of Kanshi Ram Colony Fazilka City aged about 26 years mobile No. 85120 56987. Stated that I am a resident of the above mentioned address and we are 2 brothers and 2 sisters and all are unmarried. The name of my younger brother is Jugraj Singh who is 20 years old, my sister Pritpal Kaur and Ramandeep Kaur have completed their studies and now do household work but my younger brother Jugraj Singh was pursuing his studies in Guru Nanak College, Ferozepur. The whole of our family is having 16 Killa land in village Chuhri Wala Chishti and we use to give the whole of the land on lease but I drive my own truck (ghora-trolla). Yesterday on 22/03/2019 we all were present in our house then it was about 2 of the day, Gora Singha son of Rashpal Singh Jatt Sikh resident of Kanshi Ram Colony Fazilka and along with him Mandeep Singh@ Pipa who are friends of my brother and we the whole family know them, had come on bullet motorcycle then Gora Singh told me that they want to take Jugraj Singh along with them than I asked about the reason then they told that Harbans Singh son of Rulia Singh caste Rai Sikh resident of Muthian Wali who does work of selling sand and Gora Singh also does work of selling sand, Gora Singh said that Harbans Singh use to confiscate our trolla of sand therefore we need to talk to him. Then I asked them that how my brother Jugraj Singh is required in this matter but my brother Jugraj Singh went along with them being Gora Singh's friend. Being suspicious I along with my father Kuldeep Singh went behind them on set of rules motorcycle when we reached near the departmental shop of Indersen situated at Muthian Wali then Harbans Singh son of Rulia Singh armed with iron rod and Arun Kumar son of Mahavir Parshad armed with kirpan and Subash Chander son of Balrama armed with staff, Naresh son of Dungar Ram armed with kirpan along with 6-7 unknown person who were

having staffs in their hand but there and in my and my father's presence the above said Harbans Singh gave iron rod blow on the head of my brother Jugraj Singh due to which my brother fell on the ground then while lying on the ground Arun Kumar gave kirpan blow on the right-hand rest of my brother and the above said Subash Chander gave staff blow on the right thigh of my brother and the above said Naresh a gave kirpan blow on the left thigh of my brother and Subash Chander gave staff blow on my brother but my brother took a turn and the blow landed on his back and the unknown persons who were armed with staffs did not let us go near to my brother Jugraj Singh to save him then I and my father raised alarm aloud and on hearing the alarm the residents of village Muthian Wali started gathering there therefore the above said accused persons escaped from the spot with their respective weapons. Then I and my father and Mandeep Singh arranged the vehicle and sent Jugraj Singh and Mandeep Singh in the vehicle to Civil Hospital, Fazilka. Thereafter I and my father arrived at Civil Hospital, Fazilka after arranging money but Doctor had referred my brother Jugraj Singh to Faridkot Medical College due to numerous injuries thereafter I, my father and Mandeep Singh took Jugraj Singh to Medical College Faridkot but after conducting certain tests the Doctor advised us to take the patient either to Chandigarh and Ludhiana because there is no proper treatment available. We took Jugraja Singh to Ludhiana but before admission my brother Jugraj Singh died. Thereafter we kept the dead body of my brother Jugraj Singh in the mortuary of Civil Hospital Fazilka and left my father along with the dead body then I along with my friend namely Jeevanjot Singh son of Baljeet Singh resident of village Tahliwala Jatta was coming towards the police station Sadar Fazilka but you met us at the gate of Civil Hospital Fazilka. Got my statement recorded to you, heard the same and it is correct. The above said accused persons have caused injuries to my brother Jugraj Singh due to which my brother has died. Legal action may kindly be taken against them. SD/- Dilbag Singh.”

3. In post-mortem report following two injuries were found on the person of the deceased namely Jugraj Singh :

- A. LACERATED WOUND OF SIZE 5 X 3cm OVER RIGHT FRONTO-PARIETAL REGION OF HEAD ON EXPLORATION RIGHT FRONTO-TEMPORO PARIETAL SDH WITH MULTIPLE CONTUSIONS OF BRAIN SURFACE
- B. BRUISE OF SIZE 4 X 3cm PRESENT ON MIDDLE 1/3rd OF RIGHT THIGH ON ANTERIOR SIDE ON EXPLORATION UNDERLYING RIGHT FEMUR NORMAL.

4. Injury A has been attributed to Harbans Singh which is fatal. Injury B on thigh is attributed to Subhash Chand. The same is bruise and Subhash Chander was alleged to be armed with Dang and was found innocent by prosecution

5. All the petitioners have been summoned by resorting to Section 319 Cr.P.C. having been found innocent earlier. They were granted interim protection vide orders dated 03.04.2023, 11.04.2023 and 13.04.2023 respectively. There is no allegation that the petitioners misused the concession granted or tried to tamper with the evidence in any manner at any point of time.

6. Petitioners through their counsels have undertaken to appear before the Trial Court regularly without any default.

7. Keeping in view the aforesaid fact and the undertaking given by counsels representing the petitioners, the present petitions are allowed.

8. Orders dated 03.04.2023, 11.04.2023 and 13.04.2023 are hereby made absolute.
9. A copy of this order be kept on the files of other connected case.

August 08, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No