

CRM-M-32970-2021 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32970-2021 (O&M)

Date of Decision: 10.03.2023

Kuldeep Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ashok Paul Batra, Advocate for the petitioner.

Ms. Jasleen Kaur Sidhu, DAG, Punjab.

Mr. Naveen Sharma, Advocate for the complainant.

...

Manoj Bajaj, J.

CRM-30233-2022

Application is allowed, subject to all just exceptions and the documents are taken on record.

CRM-M-32970-2021

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C, pending trial in case FIR No.0258 dated 20.08.2019 registered under Sections 308 and 34 IPC at Police Station Talwandi Sabo, District Bathinda. The petitioner is in custody since his arrest on 21.08.2019.

The FIR was registered on the basis of complaint given by Jagpal Singh and the allegations as noticed by the Addl. Sessions Judge, Bathinda in the order dated 18.01.2020 are as under:

“Perusal of the file reveals that the case was registered at the instance of complainant Jagpal Singh on the allegations that on 19.8.2019, marriage of his brother in law was fixed and he had also to attend the said marriage. Gurjit Singh, paternal

uncle of his wife Kirandeep Kaur and his son Kuldeep Singh used to pressurise him after the marriage whenever he visited his in laws. He asked his cousin brother Amritpal Singh to accompany him for the marriage and on 18.8.19, they visited village Lehri. In the evening, he along with his cousin Amritpal Singh and wife Kulwinder Kaur were enjoying the marriage in the residential house of his father in law Kulwant Singh, when Gurjit Singh and his son Kuldeep Singh came there. Gurjit Singh had a scuffle with Amritpal Singh. Kuldeep Singh lifted a piece of wood and gave a blow on the head of Amritpal Singh with intent to kill him, who became unconscious and Amritpal Singh was shifted to Delhi Heart Bathinda from where he was referred to Bathinda Neuro Spine and ultimately, he succumbed to the injuries.”

Learned counsel for the petitioner has argued that the victim, namely, Amritpal Singh died as a result of solitary blow of a wooden log given by the petitioner and this attribution may not prove the intention of petitioner to commit murder. He further submits that initially, FIR was registered only for the offence punishable under Section 308 IPC but, upon death of the victim, offence punishable under Section 302 IPC was also added. He submits that complainant-Jagpal Singh is the eye-witness of the alleged occurrence, who has already deposed before the trial Court, therefore, the further custody of the petitioner may not be necessary, as the conclusion of the trial would likely to consume considerable time. He submits that though the petitioner's father was also arraigned as an accused, but he has been extended the concession of regular bail, therefore, he prays that the petitioner be also released on regular bail.

The prayer is opposed by learned State counsel assisted by ASI Gurtej Singh on the ground that the petitioner committed a serious crime, who along with heavy object entered the house of the victim and caused head injury when the victim along with his cousin and brother-in-law were having celebrations. She submits that the complainant has levelled specific allegations against the petitioner, who is named in the FIR.

After hearing the learned counsel, and considering the submissions, this Court finds that the case of the prosecution is based upon the evidence of the eye-witness and the argument that the complainant has attributed a solitary blow to the accused-petitioner, therefore, the intent to commit murder is not made out and is not to be appreciated by this court while considering the prayer for grant of regular bail, as it will be seen by the trial Court upon conclusion of the entire evidence by prosecution at the stage of final decision of the case. During the course of hearing, learned counsel for the petitioner has shown the post mortem report of the victim, which shows that the victim suffered multiple fractures on the skull, therefore, considering the seriousness of the offence, this Court is not inclined to extend the concession of regular bail to the petitioner, at this stage.

Dismissed.

10.03.2023

Jasmine Kaur

(MANOJ BAJAJ)

JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No