

CRM-M-31960-2023

2023:PHHC:137828

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(220)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31960-2023

Date of Decision: 20.10.2023

INDERJIT SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate
Mr. Sahdev, Advocate and
Mr. Malini Singh, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.102 dated 08.08.2021 registered under Sections 302, 506, 148, 149 IPC and Section 120-B IPC added later on at Police Station Jhabal, District Tarn Taran.

2. The present FIR came to be registered at the instance of Charanjit Kuar wife of Sharanjit Singh who stated that her husband Sharanjit Singh was employed in the shop named Daljit Spare Parts the owner of which was Bikramjit Singh son of Sharan Singh. Some time ago, her husband had left the shop because of which Bikramjit Singh and others entertained a grudge against him. On 08.08.2021 at about 05.00 AM her husband Sharanjit Singh had gone to the shop of Bikramjit Singh. When he did not come back she (complainant) along with her brother Simarjot Singh reached at Charanjit

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Spare Parts at Jhabal where they saw that her husband Sharanjit Singh was being given beatings by Bikramjit Singh son of Sharan Singh, Bhupinder Singh son of Harjit Singh, Harjit Singh, Inderjit Singh Lalli (petitioner) and Jasbir Singh @ Judge son of Chanan Singh. On account of fear they (complainant party) did not come forward. The accused took her husband on a motorcycle to Amritsar Road and got him admitted at Gupta Hospital Jhabal. When they (complainant party) reached the hospital, the accused had fled away. The motive behind the occurrence was that Sharanjit Singh used to work in the shop Daljit Spare Parts at Jhabal and the accused persons had levelled allegations of theft against her husband and had threatened to kill him.

During the course of investigation, the names of certain other persons also came up. A mobile camera footage was also obtained by the Investigating Agency as per which the petitioner-Inderjit Singh @ Lalli is alleged to have put his foot on the neck of the deceased while the other accused had given various injuries to the deceased.

3. The learned Senior counsel for the petitioner contends that PW1/complainant Charanjit Kaur and PW2/Simarjot Singh, both of whom are eye-witnesses have not supported the case of the prosecution and have turned hostile. They have refused to identify any of the accused from the mobile phone recording. However, taking the said recording to be admissible evidence, the petitioner is stated to have put his foot on the neck of the deceased but a perusal of the postmortem would show no such injury on the neck. As the petitioner was in custody since 03.10.2021, only 04 of the 25 of

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the prosecution witnesses had been examined so far and he was a first-time offender, he was entitled to the concession of bail.

4. A short reply by way of an affidavit of Tarsem Masih, PPS, Deputy Superintendent of Police, Sub-Division Tarn Taran, District Tarn Taran has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that all the accused including the petitioner brutally assaulted the deceased. Therefore, he was not entitled to the concession of bail. He, however, concedes that both the eye-witness have been examined and have not supported the case of the prosecution. He also concedes that only 04 of the 25 prosecution witnesses have been examined so far, the petitioner was in custody since 03.10.2021 and that he was a first-time offender.

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

6. The veracity of the prosecution case against the petitioner and his co-accused shall be a matter of adjudication during the course of Trial. Admittedly, the petitioner is a first-time offender, in custody since 03.10.2021 and only 04 of the 25 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. As such, his further incarceration is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Inderjit Singh son of Narinder Singh is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same

would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

9. The petition stands disposed of.

20.10.2023

(JASJIT SINGH BEDI)
JUDGE

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No