

(222)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33695-2023
Date of Decision: 30.10.2023

MANJOT SINGH ALIAS MANI

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CRM-M-34136-2023

RANJIT SINGH ALIAS RAJU PAHALWAN

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate assisted by
Mr. Prashant Dhull, Advocate
for the petitioner in CRM-M-33695-2023.

Mr. Pratham Sethi, Advocate
for the petitioner in CRM-M-34136-2023.

Ms. Ramta K Chaudhary, DAG, Punjab.

JASJIT SINGH BEDI, J.

This order shall dispose of two petitions bearing No.CRM-M-33695-2023 titled as Manjot Singh alias Mani Versus State of Punjab and CRM-M-34136-2023 titled as Ranjit Singh alias Raju Pahalwan Versus State of Punjab as the same are arising out of the same FIR. However, for the sake of convenience the facts have been taken from CRM-M-33695-2023.

2. The prayer in the present petitions under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.0264 dated 22.10.2022 registered under Sections 302/307/506/148/149 and 120-B IPC at Police Station Jamalpur, District Police Commissionerate Ludhiana.

3. The brief facts of the case are that one Shivani daughter of Nanbacha got registered the present FIR with the allegations that her marriage was solemnized on 11.12.2021 with Paras Kumar son of Ramesh Kumar. Her husband used to work for Sandeep Singh son of Darshan Singh. On 10.12.2022 her husband and Sandeep Singh, Neeraj and Nihal had gone to District Court, Ludhiana with regard to a case. Her husband and his friends had an altercation with persons present in the court namely Rajan Pandit, Chotu Javdi and others with regard to some issue. By that time some advocates had effected a settlement. However, Rajan Pandit kept a grudge in his heart and in the evening made a phone call through his brother Ajay Pandit to her (complainant's) husband who threatened her husband. This fact was told to her by her husband. Later when her husband was going with his friend Abhishek @ Abhi on an Activa Scooter bearing No.PB10FD 2479 towards Bhammian then Rajan Pandit, Sumit Khanna, Deepu, Sachin Bhateej, Sankit, Sagar (granted bail vide order dated 25.05.2023 passed in CRM-M-25507-2023) and 5/6 unknown persons who were on their respective motor cycles and holding dangerous weapons surrounded her husband and his friend. Then Rajan Pandit attacked her husband on his head with his datar. Sumit Khanna assaulted her husband on his face with a datar. Then Sachin Bhateej attacked her husband on his head with his sword. Then Sankit attacked her husband on his face with an iron rod. Thereafter the

unknown persons present at the spot attacked her husband on different parts of his body with iron rods and also gave injuries to her husband's friend. Her husband and his friend raised an alarm on which her husband's friends namely Sandeep Singh, Gurwinder Singh and Karan Narang came to the spot. Karan Narang took her husband to Fortis Hospital where he was declared dead. Her husband's friend Abhishek @ Abhi had received life threatening blows on his head. Her husband had been killed by Ajay Pandit, Vishal Sood, Simran Sood wife of Vishal Sood in connivance with each other along with Rajan Pandit, Sumit Khanna, Sachin Bhateej, Deepu, Sagar (petitioner) and 5/6 unknown persons. Requisite action was sought against the accused.

Pursuant to the registration of the FIR on 22.10.2022, the statement of Abhishek Shahi @ Abhi was recorded under Section 161 Cr.P.C. on 23.10.2022 (Annexure P-4 in CRM-M-33695-2023) in which none of the petitioners were named.

On 30.10.2022, the supplementary statement of the complainant-Shivani was recorded (Annexure P-6 in CRM-M-33695-2023) wherein Manjot Singh alias Mani (petitioner in CRM-M-33695-2023) was named as an accused. On 01.11.2022, yet another statement of the complainant-Shivani was recorded (Annexure P-7 in CRM-M-34136-2023) in which Ranjit Singh alias Raju Pahalwan (petitioner in CRM-M-34136-2023) was named as an accused. Similarly, on 03.11.2022, the supplementary statement of Shivani (Annexure P-8 in CRM-M-33695-2023) was recorded wherein certain other accused were also named.

Thereafter, yet another statement of Abhishek Shahi @ Abhi was recorded under Section 161 Cr.P.C. on 03.11.2022 (Annexure P-9 in CRM-M-33695-2023) wherein the name of the petitioners figured.

4. The learned counsels for the petitioners contends that the petitioners are not named in the FIR despite the occurrence having taken place on 21.10.2022 and the FIR having been registered on 22.10.2022. The alleged witness to the occurrence namely, Abhishek Shahi @ Abhi got recorded his statement under Section 161 Cr.P.C. on 23.10.2022 where once again, the petitioners are not named. The petitioners have been named in the supplementary statements of the complainant on 30.10.2022 and 01.11.2022 respectively and thereafter in the statement under Section 161 Cr.P.C. of Abhishek Shahi @ Abhi dated 03.11.2022. As the petitioners were in custody since 03.11.2022 and 02.11.2022 respectively, none of the 22 prosecution witnesses had been examined so far and they were also first-time offenders, they were entitled to the concession of bail moreso as a co-accused Sagar Thakur had been granted the similar concession by this Court vide order dated 25.05.2023 passed in CRM-M-25507-2023.

5. An affidavit dated 28.10.2023 by way of an affidavit of Jatinder Singh, PPS, Assistant Commissioner of Police, Industrial Area-A, Ludhiana has been filed in both the connected petitions on behalf of the State by the learned counsel for the State. The same are taken on record. She contends that the case of the petitioners cannot be equated to that of Sagar Thakur. The said Sagar Thakur had been found to be innocent consequent to which a discharge application had been moved which had been declined. It was in that situation that Sagar Thakur was granted the concession of bail. So far as

the petitioners were concerned, though, they were not named in the FIR or in the first statement of Abhishek Shahi @ Abhi, they came to be named in the supplementary statements of the complainant and that of Abhishek Shahi @ Abhi. Pursuant to their arrest, the recovery of a Khanda and a scooty respectively had been effected from them. Therefore, they were not entitled to the concession of bail. She, however, concedes that the petitioners were first-time offenders, in custody since 03.11.2022 and 02.11.2022 respectively and none of the 22 prosecution witnesses had been examined so far.

6. I have heard the learned counsel for the petitioners.

7. Admittedly, the petitioners are not named in the FIR or the initial statement of a purported eye-witness but came to be named subsequently. The evidentiary value of the statements of the Pws shall be examined during the course of the Trial. The petitioners are stated to be in custody since 03.11.2022 and 02.11.2022 respectively and none of the 22 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Further, they are also stated to be a first-time offenders. In this situation, their further incarceration is not required moreso when one of their co-accused namely, Sagar Thakur has been granted the concession of bail vide order dated 25.05.2023 passed in CRM-M-25507-2023.

8. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioners shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that they are not involved in any other crime other than the present case.

10. In addition, the petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.1,00,000/- each 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 petitioners from trial without sufficient cause.

11. The petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

30.10.2023

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No