

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-50598-2021 (O&M)

Reserved on: 08.02.2023

Pronounced on: 11.04.2023

Shyam Sahni

... Petitioner(s)

Versus

State of Punjab

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Tanvir Singh, Advocate
for the petitioner(s).

Mr.Virat Rana, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
131	14.7.2020	City Nawanshahr, District Shaheed Bhagat Singh Nagar, Punjab.	308, 34 IPC and 302 IPC (added later on)

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, came up before this Court under Section 439 of Code of Criminal Procedure, 1973 (CrPC) seeking bail.
2. In paragraph 24 of the bail petition, the accused declares that he has no criminal antecedents.
3. Petitioner’s contention is that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. State opposes the bail.

REASONING:

5. Reply/affidavit filed by the concerned DySP narrates facts and events with stage of trial, which reads as follows:
- “1. That it is respectfully submitted that the brief facts of the present case are the first informant namely Savitri Devi wife of Late Kewal Ram resident of Village Chuaharpur District SBS Nagar in which she stated that

she have three sons and one daughter. On 10.07.2020 at about 08:45 P.M. when she along with her son Dilbagh Ram and his kids were having gossips after meals, at that time Mukesh Sahni armed with iron rod along with two unknown persons carrying iron rods arrived at her home and started hurling abuses to her son Dilbagh Ram. Then Mukesh Sahni gave blow of his iron rod in head of Dilbagh Ram with a motive to kill him, on which he stepped back resulting which the blow rested on his chest. Then Mukesh Sahni gave another blow of his iron rod in the head of Dilbagh Ram with a motive to kill him on which Dilbagh Ram again stepped back resulting which the blow rested on his neck. Then one of the unknown person gave blow of his iron rod in head of her son with a motive to kill him, which hit on his left jaw. Then the other unknown person gave blow of his iron rod in her son which hit on his knees. On this, Dilbagh Ram raised alarm on which all the said three persons with their respective weapons fled away from the spot. Complainant Savitri Devi further stated that she can identify the said unknown persons, if appeared before her. On 11.07.2020 they took Dilbagh Singh to Civil Hospital Hoshiarpur from where he was referred to PGI Chandigarh but due to poor economic conditions and no money for treatment they brought back her son to home from where after the condition of Dilbagh Ram become more serious they further took him to Civil Hospital Banga on 12.07.2020. From Civil Hospital Banga, victim Dilbagh Ram further referred to Civil Hospital Jalandhar but they brought Dilbagh Ram to IVY hospital Nawanshahr where he got admitted and the above said statement of by ASI Avtar Singh. On the basis of said statement FIR under section 308/34 IPC was registered. On 15.07.2020, victim Dilbagh Ram expired during treatment at IVY hospital Nawanshahr and as per post mortem report of victim Dilbagh Ram 08 injured were found on the body of victim Dilbagh Ram and in his medico opinion, Medical officer the cause of death in this case declared cardiorespiratory arrested due craniospinal injury that is injury to Central Nervous system which is sufficient cause death in ordinary course of nature. All injuries are opined to ante mortem in nature, on which section 302 IPC added later on in this case vide Rapat no. 45 date 15.07.2020.

2. That it is respectfully submitted that thorough investigation of the case was carried out and during investigation on 14.07.2020 main accused Mukesh Sahni arrested in this case and on his confession statement petitioner Shyam Sahni and Jag La! Sanni were also nominated as accused in this case and arrested on same day. During interrogation of accused, three respective iron rods recovered from all the accused which was used by them to injure the victim Dilbagh Ram.
3. That it is respectfully submitted that investigation of the case has been completed in this case and Challan/final report under section 173(2) Cr.P.C was submitted against the accused persons including present petitioner. It is further submitted that charges were framed against the petitioner and his co-accused by the Ld. Trial Court vide its order dated 08.03.2022 and in the present case, in total there are 15 witnesses, out of which only 4 have been examined and remaining witnesses are yet to be examined. Now the trial of the present case is pending for 13.02.2023 for leading remaining prosecution evidence."

6. The petitioner has been arraigned as an accused with the aid of section 34 IPC and has also been charged for assaulting with common intention. The trial is at an advance stage. A perusal of the bail petition and the documents attached, *prima facie* points towards the petitioner's involvement and does not make out a case for bail. Any further discussions are likely to prejudice the petitioner; this court refrains from doing

so.

7. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed in terms mentioned above. However, considering the petitioner's custody, the ends of justice will meet by expediting the trial. This court requests the concerned trial court to take up this trial on priority and endeavor to conclude it by July 31, 2023. The expediting of the trial is subject to the condition that the petitioner shall not seek any adjournment, and if he does so, this order expediting the trial shall stand recalled automatically under section 362, read with 482 CrPC, without any further reference to this court. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

April 11, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No