

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47746-2023
DECIDED ON: 21.12.2023

NEERAJ SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. G.S. Ghuman, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab

SANDEEP MOUDGIL, J.

1. The jurisdiction of this court under Section 439 of The Code of Criminal Procedure, 1973 has been invoked for grant of Second Regular Bail to the petitioner in FIR No. 5 dated 05.01.2021 under Sections 302, 307, 324 and 34 of IPC registered at Police Station Anaj Mandi, Patiala.
2. The brief facts of the case are that on the night of 04.01.2021 at around 10:00 P.M. the complainant Amit Kumar Sadana along-with his younger brother Kunal Kumar Sadana @ Sajan (herein 'the deceased') and his three other friends namely, Rohit Atwal, Mohit Kumar and Vasu were going from Railway Station side towards Shri Dukhniwaran Sahib Gurudwara and when they reached at the Verka Booth near district Security Services, Welfare Officer Office then the petitioner along-with his co-accused Hiteshwar Singh @ Ghora and four more unknown persons came there. these unknown persons were empty handed and caught hold the deceased and Ghora with an intention to kill him stabbed him in

his stomach with a dagger (chhura). While the complainant and his friends tried to save the deceased, the petitioner i.e., Neeraj Singh @ Ninja gave a Kirch blow to Mohit Kumar in his stomach and chest with an intention to kill him as well. Thereafter, the petitioner along-with the others attacked and caused grievous injuries to the complainant and his friends. After this, the doctors at Rajindra Hospital, Patiala declared the injured brother of the complainant as dead.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case, as the police officials are helping the complainant party in suppressing the truth and keeping him behind the bars. It has been argued on behalf of the petitioner that it was actually the petitioner who was attacked by the complainant, the deceased and their friends. In fact, the complainant party had an intention of kill the petitioner and caused multiple grievous injuries to the petitioner as a result of which he became unconscious and admitted to Rajindra Hospital, Patiala.

4. It has been further argued that due to fear of the complainant party the mother of the petitioner shifted the petitioner, who was in a bad condition, to Civil Hospital, Ambala and his treatment henceforth began. Thereafter, the police officials started pressurizing the relatives of the petitioner as well as his parents to surrender and under such fear and pressure the petitioner was taken to the police station by his mother and the police officials asked the petitioner to admit in Rajindra Hospital, Patiala and not Civil Hospital, Ambala. It has been pointed out by learned counsel for the petitioner that on the next day when the health of the petitioner started deteriorating, the doctors recommended that the petitioner be taken to PGI, Chandigarh. But no mercy was shown by the police officials and they forcefully took the petitioner to the police station and the same fact was

brought within the knowledge of the SSP who unofficially directed to provide treatment to the petitioner. It has been further pointed out that the whole incident took place in front of the District Sanik Welfare Board, near Railway Station Patiala and is duly recorded by the CCTV Cameras installed but they have been denied the access to the footage despite the application forwarded to preserve the same.

5. The assertion is that a simple injury has been attributed to the petitioner on the person of Mohit Kumar and he has no role in causing death of the deceased. Moreover, PW1 Rohit Atwal, PW2 Basu and PW3 Mohit Kumar have already resiled from their statements.

6. Learned State counsel prays for dismissal of the present petition stated that the petitioner is a part of a gang and has actively participated in commissioning of offence. He has contended that the complainant in his statement given under Section 154 of The Code of Criminal Procedure, 1973 has mentioned that there was an enmity between Ghora and the deceased and ever since then Ghora kept threatening to kill the deceased and a specific role has been attributed to the petitioner. Thus, the petitioner is an accomplice to this crime.

7. Heard learned counsel for the respective parties.

8. Looking at the facts and circumstances of the case-in-hand and also the gravity of the offence, this Court is of the opinion that killing a human being and the intention of killing a human being is not an act of reward be it due to accident or an act of personal vendetta. To give threats to one another and to carry on enmity to a point where one person is absolutely finished by the other is simply against the rule of nature. The petitioner in the present case has shamelessly been a part of a murder and has himself given grievous injuries to others in order to help

out his co-accused so that the latter can carry out the act of finishing his opponent mercilessly. Therefore, this Court is not in favour of granting the concession of regular bail to the petitioner.

9. In view of the discussions made hereinabove, the present petition is dismissed, being devoid of merits.

21.12.2023
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(SANDEEP MOUDGIL)
JUDGE

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