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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-50610-2023 (O&M)

Date of decision : 05.12.2023

Sandeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Manuj Nagrath, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. R. V. S. Chugh, Advocate for
Ms. Harpreet Kaur Arora, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

CRM-49308-2023

Application is allowed as prayed for. Annexures P-10 to P-12
are taken on record.

CRM-M-50610-2023

The present second petition has been filed under Section 439
Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR
No.104 dated 13.11.2020 under sections 302, 307, 303, 324, 325, 452, 427,
506, 148, 149, 120-B I.P.C, registered at Police Station, Jodhan, District
Ludhiana.

As per factual matrix, a complaint was lodged by Manjit
Singh, wherein it was alleged that they had a dispute regarding the passage

with their neighbours and on account of the same there usually remained quarrel with their neighbours. On the fateful day his maternal uncle Chamkaur Singh had come to their village for getting treatment. At about 10.30 AM they got into heated arguments with the neighbours, which got flared up. Accused Amandeep Singh @ Sony, Amritpal Singh @ Mana, Gurjant Singh @ Gosa, Himmat Singh etc. armed with weapons trespassed their house and started beating his maternal uncle. On their raising noise all the accused persons escaped from the spot along with their weapons. They shifted their maternal uncle to Civil Hospital, Pakhowal where the doctors declared him dead. A request was made to take legal action against the culprits. On the basis of the complaint, present FIR was lodged and investigation commenced. Statements of the witnesses were recorded. The post mortem of the deceased was conducted and accused persons were arrested by the police. Petitioner was arrested on 30.09.2022. He approached the court of learned Addl. Sessions Judge, Ludhiana for grant of bail, however, after hearing the parties, the same was declined vide order dated 22.07.2022. Aggrieved by the same, the petitioner has earlier approached this court for grant of bail. However, his petition was dismissed vide order dated 27.07.2023 passed in CRM-M No.9051 of 2023. Hence, the petitioner is before this Court again for the grant of bail.

Learned counsel for the petitioner vehemently contends that petitioner has been roped in the present case on account of rivalry which was going on between both the sides. He submits that petitioner was present at the time of occurrence and was carrying a daang is totally a

concocted story. He submits that from the reading of the FIR it is clear that petitioner has not been attributed any injury caused to the deceased or anyone. It is submitted that petitioner has not been named in the FIR. It is further submitted that all the male members of the family of the accused persons have been implicated in this case. Counsel submits that petitioner is behind bars for the last more than 01 year and he has no criminal antecedents. It is submitted that as per the post mortem report, the cause of death is due to the head injury which has not been attributed to the petitioner and thus he deserves to be enlarged on bail. He has submitted that similarly situated co-accused of the petitioner, namely, Gurdas Singh, has already been granted bail in CRM-M No.37966 of 2021 by this Court vide order dated 09.02.2023 and as such, petitioner is also entitled to be released on bail on the basis of parity with the said co-accused.

On the other hand, learned State counsel on instructions has submitted that complicity of the petitioner in this case is very well established. It is submitted that petitioner had duly participated in the occurrence and the same is captured in the CCTV footage. Counsel submits that besides the deceased there are three injured persons in the present case and the case of the prosecution is based on the eye witness account. He submits that State has also filed reply in this regard. He submits that in all there are 14 accused persons out of which 8 are on bail. It is also submitted that there are total 31 prosecution witnesses out of which only 2 have been examined so far by the Trial Court. It is submitted that petitioner has no criminal antecedents. She has admitted the fact that

co-accused, namely Gurdas Singh has already been released on bail by this Court vide order dated 09.02.2023.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Admittedly, petitioner is behind bars since 30.09.2022. As per case of the prosecution, petitioner was armed with a daang. As per allegations in the FIR petitioner has not been attributed any injury. Out of 31 prosecution witnesses only 2 have been examined so far. There is nothing on record to show that petitioner has any criminal antecedents. Similarly situated co-accused has already been granted bail by this Court.

This court would refrain itself from commenting anything on the merits of the case, as the allegations and counter allegations would be assessed only after evaluation of the complete evidence to be led by both the sides before the Trial Court. The trial would take sufficiently long time in its conclusion.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to satisfaction of Trial Court/Duty Magistrate, concerned.

Nothing stated herein shall be treated as an expression on the merits of the case.

05.12.2023

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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No