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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52392-2023 (O&M)

Date of Decision: 15.11.2023

Sukhchain Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Dr. Rau P.S.Girwar, Advocate and
Ms. Archana Arora, Advocate
for the petitioner.

Mr. Amish Sharma, Assistant Advocate General, Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 438 Cr.P.C. with a prayer to grant anticipatory bail to him in case FIR No.24 dated 11.05.2023 under Sections 302, 120-B, 323, 148, 149 of IPC, registered at Police Station Samalsar, Moga, Punjab.

2. The FIR in the present case was registered on the basis of the statement made by Chamkaur Singh son of Sadhu Singh. As per the complainant, the name of his younger brother was Gurtej Singh and his younger sister Amandeep Kaur was married. His mother Baljit Kaur had already died. The complainant and his brother Gurtej Singh used to live together with their father Sadhu Singh. At a distance of about 10 acres from their house, there is 'Tap Asthan' of Baba Rukhad Dass and his father used to visit the Dargah and sometimes, he used to stay there. On 10.05.2023, his father did not return till

late night. On 11.05.2023, he and his brother Gurtej Singh got suspicious and at about 12.00 noon, they received a telephonic call from Darshan Singh, Committee Member of the Dargah, who asked them to come to the Dargah, immediately. He alongwith his brother Gurtej Singh went there and found the dead body of his father Sadhu Singh on the floor, which was smeared with blood. Darshan Singh, Committee Member, showed them a CCTV Camera footage and he was in a state of shock. As per CCTV footage, Ranjit Singh @ Raja was armed with iron pipe, Kala Singh son of Major Singh was armed with brick, Sukhchain Singh @ Raja (petitioner), Lehbar Singh and Tarsem Singh were also present there. Ranjit Singh @ Raja was inflicting iron pipe blows mercilessly on the head, legs and other parts of the body of their father. Kala Singh was giving brick blows on the head and body of his father repeatedly. Sukhchain Singh @ Raja (petitioner), Lehbar Singh and Tarsem Singh were standing nearby and instead of stopping the accused, they were encouraging them for causing more damage/injuries. Two unknown persons on motorcycle tried to save their father, but the accused had beaten them also. Even the motive behind the incident was that the accused were demanding money from his father, which was disclosed by their father to them. They had assured their father that the accused belonged to their village and they were tried to effect a compromise. Even a few days prior to the incident, the accused had threatened him by stating that his father would face dire consequences, if he did not obey their dictates. Due to the said reason, the accused had beaten his father to death. With these main allegations, the FIR in the present case was registered against the petitioner and other co-accused.

3. Learned counsel for the petitioner contends that the petitioner had

no concern with the alleged crime and no role was played by him in the entire occurrence. Even from the CCTV footage, it was apparent that only the presence of the petitioner has been found near the other accused and there is no specific attribution to the petitioner. However, due to some old dispute pertaining to the Dera, the petitioner had been falsely involved in the present case. Even there was no instigation on the part of the petitioner nor any evidence of threat/conspiracy was available. He further contends that the police had already filed a report under Section 173 Cr.P.C. against Ranjit Singh @ Raja Khokhar, Gurpreet Singh @ Kala, Tarsem @ Rajbir. Thus, the custody of the petitioner will not serve any meaningful purpose. Learned counsel also relied upon the photographs Annexures P-3 and P-4 to contend that the petitioner had not actively participated in the commission of crime.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the presence of the petitioner was established in the CCTV footage and sufficient incriminating evidence has already been collected against the present petitioner. However, the petitioner was evading the arrest in the present case and his custodial interrogation was required.

5. I have heard learned counsel for the parties and perused the record.

6. From the record, it is apparent that the petitioner has been specifically named by the complainant in the FIR (Annexure P-1). In fact, the petitioner, in conspiracy with the other co-accused, had killed the father of the complainant and even the CCTV footage of the occurrence is available on record. During the course of investigation also, it has been established that the petitioner had conspired with his co-accused and also instigated them to commit

the crime. Thus, keeping in view the gravity of the offence, the custodial interrogation of the petitioner will be required to take the investigation to its logical end. Thus, finding no merits in the present petition and the same is ordered to be dismissed.

15.11.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No