

2023:PHHC:145953

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No. 287

CRM-M-55803-2023
Date of Decision-16.11.2023

Jarnail Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present:- Mr. S.L. Chander Shekhar, Advocate for the petitioner.

Mr. Madhur Sharma, AAG, Punjab.

Mr. Sarju Puri, Advocate for the complainant.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.39 dated 24.05.2023 registered under Sections 302 & 34 of IPC, 1860 at Police Station Rahon, District SBS Nagar.

2. The brief facts of the case are that the present case has been registered on the statement of complainant Lakhvir Singh, wherein he has stated that they are two brothers and three sisters. His elder brother Pargan Singh is aged about 57 years. On 23.05.2023, with the intervention of relatives, partition of their land was got effected between them and his uncle Jarnail Singh son of Swaran Singh and after the partition on the oral instructions of relatives, he along with his brother affixed the point (batt) to demarcate the land. After affixing the point, when he was going back then his uncle Jarnail Singh (present applicant/accused) met him and asked him that their family does not agree with the partition and they will demolish/dismantle the point (batt) made by them. He tried to make him understand but did not listen.

Therefore, he went to his house and narrated the entire incident to his brother Pargan Singh and at about 5:00 pm, he along with his brother came back to the fields on their tractor, where their uncle Jarnail Singh and his grandson Karandeep Singh @ Karnu were present there. Karandeep Singh @ Karnu was sitting on the driver seat of tractor. He along with his brother alighted from the tractor and started talking to his chacha (uncle). Then, his uncle started shouting in loud voice that they did not agree with this partition. In the meantime, Karandeep Singh @ Karnu accelerated the speed of his tractor and tried to run over upon him. However, he saved himself by running from there but Karandeep Singh @ Karnu run over the tractor upon his brother Pargan Singh, as a result of which his brother fell down on the road. Then his uncle Jarnail Singh raised lalkara that Pargan Singh be not spared. In the meantime, Karandeep Singh @ Karnu again run over the tractor upon his brother by reversing it and when third time, Karandeep Singh @ Karnu tried to run over his tractor upon his brother, he stopped his tractor by making head on collusion with his tractor. Thereafter, they took his brother to the hospital, where he died.

3. Learned counsel for the petitioner inter alia contends that the petitioner is alleged to have raised only a Lalkara and no other overt act of injury is attributed to the petitioner and as per the allegations levelled in the FIR, he was empty handed and rather he also suffered one injury on his left leg which has not been explained by the complainant.

4. Mr. Sarju Puri, Advocate has put in appearance on behalf of the complainant and contends that the petitioner is involved in a heinous offence under Section 302 of IPC and as such, he is the main instigator

and he has played a crucial role in the brutal murder of the brother namely Pargan Singh who was run over under the tractor by Karandeep Singh.

5. Learned State counsel also opposes the prayer for grant of bail to the petitioner on the ground of the gravity of the offence and also on the ground that the petitioner infact played a lead role which culminated into the death of Pargan Singh and further submitted that even the complainant is yet to be examined.

6. Having heard, the learned counsel for the parties and after perusing the record. It transpires that it is case of version and cross version. The final report under Section 173 Cr.P.C after completion of the investigation has already been filed in the present case on 22.08.2023 and the challan in the cross case has also been filed on 25.09.2023 and keeping in view the involvement of the petitioner with the aid of Section 34 of IPC, the culpability of the petitioner obviously would be adjudicated by the learned trial Court on the basis of evidence adduced before it.

7. Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner-Jarnail Singh is granted regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing observed hereinabove shall be construed as an expression of opinion of this Court on the merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court in accordance with law.

(HARPREET SINGH BRAR)
JUDGE

16.11.2023
yogesh

Whether reasoned / speaking? Yes / No
Whether reportable? Yes / No