



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

I. CRM-M-1693-2024
PARDEEP KUMAR SHARMA
..... PETITIONER
Vs.
STATE OF PUNJAB
..... RESPONDENT

II. CRM-M-1714-2024
ROVI PANDIT
..... PETITIONER
Vs.
STATE OF PUNJAB
..... RESPONDENT

Reserved on: 13.05.2024
Pronounced on: 15.05.2024

CORAM: HON’BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Rahul Bhardwaj, Advocate, for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J.

In the two petitions titled above, both filed under Section 439 CrPC, petitioners pray for their release on regular bail in case FIR N: 34 dated 25.02.2023 under Section 304 IPC registered at Police Station Focal Point Distt. Police Commissionerate, Ludhiana.

2. Separate status reports in both the cases by way of affidavit of Jasbinder Singh, PPS, Assistant Commissioner of Police, Industrial Area “A”, Ludhiana on behalf of the respondent-State, have been filed.

3.1 It is revealed that Gurjeet Singh @ Jeetu (deceased) was driver on truck No.HP-12C-2729 belonging to NCR Transport, Khanoli, District Ropar. FIR was lodged on the statement of Gurbhej Singh, the brother of said deceased Gurjeet Singh @ Jeetu, as per which he received a call from the union of his

brother to the effect that his brother had slept in the truck, but in the morning was found dead by Manpreet Singh @ Maana, the driver of another truck No. PB-10-CT-6499. Complainant reached the spot and was told by Manpreet Singh @ Maana that on the previous day, both of them were standing on the road when at about 11:00 PM, a car came from the side of the factory and the driver of the car asked the reason for blocking the road, as they were unable to cross the road. Gurjeet Singh @ Jeetu explained him that they were unloading the truck. However, 3-4 persons came out from the car in anger and started abusing him. They attacked them with sticks and rods, gave beatings and fled away. Manpreet Singh @ Maana noted the registration number of the car as UP-81-CR-6509. Thereafter, said Manpreet Singh @ Maana went to Bindra Complex for unloading his truck, whereas Gurjeet Singh @ Jeetu slept in the truck. However, in the morning at about 8:15 AM, when Manpreet Singh @ Maana came to the truck of Gurjeet Singh @ Jeetu, he found him to be dead with froth coming out of his mouth.

3.2 Investigation was carried out. Postmortem examination was got conducted on 23.02.2023. Four injuries were found on the person of the deceased Gurjeet Singh @ Jeetu, which were ante-mortem in nature and sufficient to cause death in ordinary course.

3.3 Status report reveals further that on the same day i.e. 23.02.2023, complainant made supplementary statement, as per which on secret enquiries, he had come to know that it is Pardeep Kumar Sharma (*petitioner in CRM-M-1693-2024*), Rovi Pandit (*petitioner in CRM-M-1714-2024*) and Lalit Sharma, workers of Arora Factory, Phase-6, Focal Point, Ludhiana, who had caused injuries to Gurjeet Singh @ Jeetu and Manpreet Singh @ Maana, on account of

which Gurjeet Singh @ Jeetu had expired. Based upon this supplementary statement, petitioners were arrested on 26.02.2023. The disclosure statement of accused-petitioner Pardeep Kumar Sharma resulted into recovery of a danda used in the crime, whereas disclosure statement of accused-petitioner Rovi Pandit resulted in recovery of an iron pipe used in the crime. Manpreet Singh @ Maana identified the petitioners, who had caused injuries to him and the deceased.

3.4 After conclusion of the investigation, final report was filed. Status report also reveals that out of 21 witnesses cited by the prosecution, 13 have already been examined.

4.1 It is contended by Id. counsel appearing for both the petitioners that as per allegations, a minor dispute took place on the issue of blocking of the road and as per the own version of the prosecution, the persons, who had given beatings to the deceased-Gurjeet Singh @ Jeetu and Manpreet Singh @ Maana with sticks and rod, had fled away. Id. counsel contends that none of the petitioners are named in the FIR; that there is nothing in the status report as to who was the owner of the car, in which the assailants had come; that the assailants are attributed to have given injuries with sticks and iron rod, whereas the postmortem report reveals the stab injury as well, which was never the case of the prosecution. It is argued that in case any of the petitioners were involved in the crime and had given injuries to the extent that even the stab and lacerated wounds were caused as are attracted in the postmortem report, the deceased-Gurjeet Singh @ Jeetu would not have slept in his truck nor Manpreet Singh @ Maana would have left the spot for unloading this truck and rather, the deceased would have been taken to the hospital.

4.2 Ld. counsel has further drawn attention towards the chemical examiner report (Annexure P3) to point out that the viscera report of the deceased disclosed the presence of ethyl alcohol, clearly indicating that deceased had consumed liquor and that even the froth was found coming from his mouth, when Manpreet Singh @ Maana found Gurjeet Singh @ Jeetu lying dead in the morning.

4.3 Ld. counsel further contends that material witnesses have already been examined and so, there is no possibility of influencing or threatening the witnesses; that the two petitioners are in custody for the last more than 1 year 2 months, with no criminal antecedents and so, in all these circumstances they be allowed bail.

5.1 Ld. State counsel has opposed the petitions by submitting that both the petitioners have been identified by Manpreet Singh @ Maana, the injured of the case and that the names of the petitioners emerged in the supplementary statement of the complainant. By pointing out towards the gravity of offence, prayer is made for dismissing the petitions.

6. Submissions of both sides have been considered.

7. As per the FIR version itself, after the alleged occurrence, in which the three occupants of the car had given beatings to deceased Gurjeet Singh @ Jeetu and Manpreet Singh @ Maana, the assailants had fled away. Thereafter, Manpreet Singh @ Maana went with his truck to unload the same and Gurjeet Singh @ Jeetu slept in his truck. In case serious injuries including stab wounds and lacerated wounds were caused to the deceased, as are reflected in the postmortem report, neither deceased would have slept in his truck nor Manpreet Singh @ Maana would have left the spot and rather, they would have

gone to some nearby hospital. Moreover, the chemical examiner report clearly indicates the presence of ethyl alcohol in the viscera of the deceased.

8. Apart from above, as rightly pointed out by counsel for the petitioners, none of the petitioners are named in the FIR. The complainant did not disclose in the supplementary statement about the source, by which he came to know about the participation of the petitioners in the crime. There is nothing in the status report of the respondent-State that any effort was made to know the registered owner of the car, in which the assailants had come or as to whether any of the petitioners have any connection with that car. It is conceded that material witnesses have already examined.

9. Custody certificates reveal that both the petitioners are in custody for the last 1 year 2 months and 13 days and none of them have any other criminal case pending against them. Trial may take time to conclude.

10. Having regard to all the above facts and circumstances, but without commenting anything further on merits of the case, no purpose shall be served by keeping the petitioners detained. As such, both petitions are allowed. Petitioners are admitted to regular bail on their furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, on usual terms and conditions.

Pending application(s), if any, also stand disposed of.

A Photocopy of this order be placed on the file of other connected case.

15.05.2024
Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes</i>
<i>Whether reportable?</i>	<i>No</i>