



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Date of Decision:-19.03.2024

CRM-M-4598-2022

Rajan Kumar.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

2.

CRM-M-26594-2024

Harpreet Singh @ Happy.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

3.

CRM-M-27266-2024

Gagandeep Singh @ Gagan Dhillon.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

4.

CRM-M-19602-2024

Darshan Singh @ Sher Virk.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Munish Dev Sharma, Advocate for the Petitioner
(in CRM-M-4598-2022).

Mr. J.S. Moudgill, Advocate for the Petitioner



(in CRM-M-26594-2024).

Mr. Malkit Singh Dhillon, Advocate for the Petitioner
(in CRM-M-27266-2024).

Mr. Raj Kumar Selwan, Advocate for the Petitioner
(in CRM-M-19602-2024).

Mr. Harkanwar Jeet Singh, Assistant Advocate General,
Punjab.

JASJIT SINGH BEDI, J.(ORAL)

By this common order I shall dispose of all the aforementioned
04 petitions as the same have arisen out of one and the same FIR.

2. The prayer in these petitions under Section 439 Cr.PC is for the
grant of regular bail in case FIR No.185 dated 16.08.2021 under Sections
302, 452, 120-B, 148, 149 IPC registered at Police Station City Samana,
District Patiala, Punjab.

3. The present FIR came to be registered at the instance of Sunil
Kumar which reads as under:-

*“ At this time, a statement by Sunil Kumar son of Karam
Chand resident of Amamgarh Mohalla Near Panj Mukhi Mandir,
Police Station City Samana District Patiala aged about 35 years
Mobile No. 9876766972 in presence of SI Sahib Singh 2350/Pati
First Officer Police Station City Samana for registering the FIR
against Akshay son of Paramjit alias Pamma, Harpreet alias
Happy son of Sohan Lal, Paramjit son of Mahinder Ram residents
of Mohalla Samana, Gagan Dhillon (Akshays brother in law. Iija)
son of Pritam Singh resident of Near Gyan Anjan Public School
Samana and 2/3 unknown persons for crime under sections 302,
452, 120B, 148, 149 of IPC by hand Constable Harbans
Singh 2043/Pati received at Police Station the contents of which
are that Stated that I am resident of the above address and use to
do driving work. I have three sons My eldest one name is Rajan
alias Jonny aged about 22 years who is married to Pooja resident
of Pehwa. Younger to him my son is Sajan and my youngest son is*



Gurpreet alias Gunnu. Today on dated 16.08.2021 my son Rajan alias Jonny had told me, that I was passing from the street at around 2:30/2:45 PM then Akshay son of Paramjit Singh resident of Mohalla Amamgarh was abusing me by stopping in the street and was threatening to kill and was saying that your brother Sajan has not done well by keeping my mother forcibly by separating her from us illegally From whom I came by running and protecting my life. I have a doubt that he has gathered more boys. All these facts my son Rajan had told me on reaching home. After these I have made my son Rajan understand that you have to be careful. My son Rajan from me went towards Panj Mukhi Mandir for doing prayers. Then within 2-3 minutes my son Rajan returned back by running. I have seen that after him Akshay son of Paramjit armed with axe in his hands Harpreet alias Happy son of Sohan Lal armed with Gandasi type iron garariin his hands Paramjit son of Mahinder Ram armed with stick in his hands residents of Amamgarh Mohalla Samana. Gagan Dhillon (Akshays brother-in-law/Jija) son of Pritam Singh resident of Near GyanAnjan Public School Samana having iron rod in his hands and two three unknown other boys whose names are not known to me, out of which two were having iron rods and one was having stick running after my son Paramjit alias Pamma son of Mahinder Ram has said by raising loud alarm that Akshay would not allow Rajan to do unhurt today he has to be finished today. Then in the meantime my son Rajan started running ahead of them to save his life. All of them carrying their weapons started running after my son Rajan. I have also run after them. To save his life my son Rajan running between the atta chakki of Surjeet Ram alias Pappi former MC from the backside of atta chakki entered the house of Surjeet Ram. All of them after him also entered the house of Surjeet Ram carrying their weapons. Right on my seeing and stopping/Akshay has given a reverse attack of axe carrying in his hands on the neck of my son Rajan. In the meantime Harpreet alias Happy has given the attack of his gandasion the backside of the head of my son Rajan and Gagan Dhillon has given iron rod attack carrying in his hands towards my son Rajan which hit him on the left elbow. My son Rajan fell down in the porch Then while lying on the ground an unknown boy has given his stick attack on the back of my son Rajan and other unknown boy gave an attack



of iron rod on the back (moran) of my son Rajan and third unknown boy attacked with his iron rod on the (moran) in between neck of my son Rajan while lying on the ground. When I raised an alarm of "mar ta mar ta bachao bachao (killed-killed, save-save) and Akshay threw me down by pushing and started saying that his work has been finished let us go. In the meanwhile my son Sajan and other people of Mohalla have come. That all the above with their weapons ran away from the spot whom me and my son Sajan have seen running with their weapons. In the meantime government ambulance has also reached on the spot in which I took my son Rajan alias Jonny with the support of my son Sajan to Civil Hospital Samana where the doctors declared my son Rajan as dead. After keeping his dead body in the mortuary of Civil Hospital Samana along-with my son Sajan was coming to give information to you. You met me on the gate of Civil Hospital Samana where I have got recorded my statement word by word by explaining rend heard and it is correct. The reason is enmity that Paramjit and his son Akshay has a doubt that Akshay's mother Parveen who is living separate from them from one and half years is living with my son Sajan in relation. Due to this reason the above persons in connivance to each other gave injuries to my son and murdered him. Against all the above persons suitable legal action be taken and maximum punishment be given, I should be given justice Complainant SD/- Sunil Kumar."

4. The Counsel for the petitioners contend that they have been falsely implicated in the present case. He further contends that petitioners-Harpreet Singh @ Happy and Gagandeep @ Gagan Dhillon were named in the FIR whereas the other two petitioners namely Rajan Kumar and Darshan Singh @ Sher Virk were named in the disclosure statement of the arrested accused. Complainant-Sunil Kumar had been examined as PW-1, eye witness Binder Singh has been examined as PW-3 and another eye witness Surjeet Ram has been examined as PW-4. None of them had supported the prosecution case and had turned hostile. As the petitioners, namely, Rajan



Kumar, Harpreet Singh @ Happy, Gagandeep Singh @ Gagan Dhillon @ Gaggu and Darshan Singh @ Sher Virk were in custody since 11.09.2021, 15.09.2021, 16.08.2021 and 19.10.2021 respectively, only 08 of the 32 Pws had been examined so far, the trial of the present case was not likely to be concluded anytime soon and therefore, they were entitled to the concession of bail.

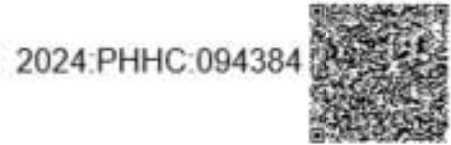
5. The Counsel for the State on the other hand contends that the petitioner and his co-accused assaulted the deceased leading to his death. Therefore the nature of the allegations did not entitle them to the concession of bail. He however concedes that the petitioners were in custody since 11.09.2021, 15.09.2021, 16.08.2021 and 19.10.2021 respectively, only 08 of the 32 Pws had been examined so far and that all the material witnesses had not supported the prosecution case.

6. I have heard learned Counsel for the parties.

7. Admittedly, none of the material witnesses have supported the prosecution case including the complainant. Whether the remaining evidence available on record is sufficient to establish the guilt of the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. The petitioner are in custody since 11.09.2021, 15.09.2021, 16.08.2021 and 19.10.2021 respectively and only 08 of the 32 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioners is not required more so when a co-accused Hussanpreet @ Hussan Bhindi has been granted bail.

8. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioners-**Rajan Kumar** son of Sh. Makhan

Lal, Harpreet Singh @ Happy son of Sh. Sohan Lal, **Gagandeep Singh @**



Gagan Dhillon son of Sh. Pritam Singh Dhillon and **Darshan Singh @**
Sher Virk son of Sh. Joginder Singh are ordered to be released on bail
subject to their furnishing bail bonds and surety bonds to the satisfaction of
learned CJM/Duty Magistrate, concerned.

9. The petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 25, 2024
Vinay

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