

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

CRA-S-595-2024 (O&M)
Date of Decision: 21.03.2024

Chanan Singh @ Chaan

..... Appellant

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Dr. Pankaj Nanhera, Advocate for the applicant/appellant.

Mr. Kiran Pal Singh, AAG, Haryana for respondent No.1.

Dr. Surya Parkash, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

CRM-8409-2024

Application for placing on record certain documents as Annexures
A-8 & A-9.

Notice of the application to the non-applicants/respondents.

Learned Counsel for the non-applicants/respondents submit that
they have no objection if the present application is allowed.

In view of the above and for the reasons mentioned in the
application, the same is allowed as prayed for subject to all just exceptions.

Registry will do the needful.

CRM-8411-2024

Application for grant of interim bail to the applicant/appellant during the pendency of main appeal on the ground that co-accused-Arvinder Singh @ Babbi was granted interim bail.

Applicant/appellant is claiming parity with aforesaid co-accused, who was granted interim bail by this Court vide order dated 10.05.2023, passed in CRM-M-19239-2023 (now converted into CRA-S-1278-2024).

The petition/appeal, filed by aforesaid co-accused, has been dismissed vide separate order of even date.

In view of the above, there is no merit in the present application and the same is also dismissed.

MAIN CASE

The appellant has filed the present appeal under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the impugned order dated 18.08.2020, passed by learned Additional Sessions Judge, Fatehabad, dismissing his regular bail in FIR No.197 dated 21.04.2020, under Sections 307, 120-B & 323 of the Indian Penal Code, 1860 (Sections 302, 212 IPC & Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on; Section 307, IPC deleted), registered at Police Station City, District Fatehabad.

(2) The above FIR was registered on the statement of Palwinder Singh son of Kulwant Singh (since deceased) with the allegations that on 21.04.2020 at about 9:00 am, he and his father were going on their respective two-wheelers to Auto Market, Fatehabad. When they reached Sandhu Hospital, tractor

(bearing registration No.HR-22-G-3509) was seen parked in front of the above Hospital. Also alleged that Kuldeep Singh @ Sonu was on the driver seat, who drove the tractor towards wrong side with an intention to kill his father and ran the tractor over the scooty of his father. Due to which, his father fell on the ground and then accused Kuldeep Singh @ Sonu ran over his tractor on his father 2/3 times by reversing the same to kill him. On raising alarm, people gathered on the spot; Kuldeep Singh @ Sonu alighted from the tractor; immediately, Dara Singh, brother of accused-Kuldeep Singh @ Sonu, came there on a motorcycle and thereafter, both of them fled away from the spot. Informant got his father admitted in Civil Hospital, Fatehabad; from where, he was taken to Medicity Hospital, Hisar for getting better treatment, but succumbed to the injuries on the same day.

(3) Contends that appellant was not named in the FIR; rather has been falsely implicated in collusion with the police. Also contends that appellant was not present at the time of occurrence; rather he has been implicated on the basis of second disclosure made by co-accused Kuldeep Singh @ Sonu. Further contends that during investigation, co-accused Dara Singh was found innocent by the police; but later on, he has been summoned as an additional accused under Section 319 Cr.P.C. and there is no progress of the trial; hence, it is likely to take sufficient long time. Again contends that no purpose would be served by sending him in custody at this stage.

(4) *Per contra*, learned State Counsel while opposing the prayer submitted that apart from disclosure of co-accused Kuldeep @ Sonu, it is quite evident from the CCTV footage that appellant, along with Arvinder Singh

@ Babbi (co-accused), was present at the time of occurrence near Jagdamba Dharamshala on a motorcycle to facilitate the commission of crime by Kuldeep Singh @ Sonu. Also submitted that as per the conspiracy, appellant along with Arvinder Singh @ Babbi were waiting for Kuldeep Singh @ Sonu and after committing the crime, Kuldeep Singh @ Sonu ran away from the spot with his brother-Dara Singh and thereafter, he fled away on a motorcycle along with present appellant as well as co-accused Arvinder Singh @ Babbi. Further submitted that appellant has been charge-sheeted for the offences punishable under Section 120-B IPC, Section 302 read with Section 120-B IPC, Section 212 IPC and Section 3(2)(v) of the Act by learned Special Court and case is pending for prosecution evidence. Also submitted that allegations are very serious and in case appellant is released on bail, he is likely to threaten the prosecution witnesses and hamper the trial. Again submitted that PW-3 while deposing before learned Special Court specifically narrated the role of present appellant along with other co-accused.

(5) Learned Counsel for the complainant while supporting learned State Counsel submitted that appellant as well as co-accused are openly threatening the prosecution witnesses and in case he is released on bail, the trial shall be hampered. Also submitted that co-accused Dara Singh has again fired a gunshot towards the house of complainant/informant and in this regard, an FIR No.0518 dated 26.10.2020, under Sections 285, 34, 427, IPC; Sections 25 & 27 of the Arms Act, Police Station City, District Fatehabad was registered against him along with other two accused.

(6) Heard learned Counsel for the parties and perused the paper-book.

(7) There is no quarrel that appellant was not named in the FIR; but co-accused Kuldeep Singh @ Sonu in his disclosure dated 20.04.2020 revealed the entire conspiracy for committing the alleged crime and pointed out the role of present appellant as well as of co-accused i.e. Arvinder Singh @ Babbi & Dara Singh.

Police-papers reveal that during investigation, CCTV footage of the alleged occurrence was collected and which *prima facie*, indicates that Kuldeep @ Sonu fled away from the spot after committing the crime along with Dara Singh, present appellant and co-accused Arvinder Singh @ Babbi. Even PW-3 during his examination-in-chief, recorded by learned Special Court, *inter alia*, deposed that “*Accused Kuldeep alias Sonu in criminal conspiracy with his brother Dara Singh, Chanan Singh and Balwinder Singh again stated Arwinder Singh had crushed my father with his tractor in order to kill him. My father Kulwant Singh died during treatment on 21.04.2020.*”

It is a matter of record that charges have already been framed against the appellant along with other co-accused for the offences punishable under Section 120-B IPC, Section 302 read with Section 120-B IPC, Section 212 IPC and Section 3(2)(v) of the Act.

Apart that, it has also come on record that co-accused Dara Singh fired a shot towards the house of complainant/informant and an FIR No.0518 dated 26.10.2020, under Sections 285, 34, 427, IPC; Sections 25 & 27 of the Arms Act, Police Station City, District Fatehabad was registered against him along with other co-accused.

(8) Since the charges against the appellant are very serious; therefore, in view of the above discussions, this Court is not inclined to grant him bail pending trial “at this stage”.

Consequently, the appeal is dismissed.

(9) However, keeping in view the controversy involved, learned Special Court is requested to proceed in the mater, expeditiously, if there is no legal impediment.

(10) The observations made above shall not be construed as an expression of opinion on merits of the controversy in any manner.

(11) Pending application(s), if any, shall also stand disposed off.

21st March, 2024
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No