



221 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-9078-2024
Date of decision: 11th July, 2024

Chirag @ Kalu
...Petitioner(s)
Versus
State of Punjab
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Abhimanyu Singh, Advocate for the petitioner.
Mr. A.S. Samra, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
89	27.02.2023	Goindwal Sahib, District Tarn Taran	302, 307, 148 and 149 of IPC, 1860 and Section 52 of Prisons Act (Section 120-B of IPC, added later on)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 26.02.2023, a complaint was lodged by Sh. Vijay Kumar, Additional Superintendent, Central Jail, Sh. Goindwal Sahib, alleging therein that on the same day, Ward No. 3 of the Jail premises was opened in the afternoon and during that time, some prisoners of block No. 2 who were holding iron strips with them, entered into block No.1 and started an altercation with some prisoners of block No.1. They tried to attack them



and in retaliation, the prisoners of block No. 1 after snatching the iron strips carried by them, opened an attack upon Mandeep Singh @ Tofan, Manmohan @ Monha and Keshav Kumar who were seriously injured. Some other prisoners were also injured. These three prisoners were rushed to hospital but two of them namely Mandeep Singh @ Tofan and Manmohan @ Mohna were declared to be brought dead by the doctors of Civil Hospital, Tarn Taran. On these allegations, initially a case under Sections 148, 302 and 307 of IPC and Section 52 of Prisons Act was registered. Investigation proceedings were initiated. Offence under Section 120-B of IPC was added. During investigation, the injured Keshav Kumar recorded his statement, wherein he took the name of the present petitioner as one of the persons who had opened attack upon the victims and himself while being armed with an iron strip. The petitioner was nominated as an accused in this case and was also arrested in this case. After completion of investigation, challan stands presented and trial is going on. The petitioner had moved an application for grant of regular bail which has been dismissed by the Court of learned Additional Sessions Judge, Tarn Taran vide order dated 22.12.2023.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he was not named in the FIR and has been falsely implicated in this case on the basis of statement allegedly recorded by the injured Keshav Kumar on 28.02.2023 which was apparently false since, if he would be participating in the occurrence then his name must have been mentioned in the complaint lodged by the Jail Superintendent. He is in custody in this case since long. No specific act has



been attributed to him and his name has been added casually just to rope him in the case. No one identified him in the CCTV footage of the cameras installed in the ward No.3, where the occurrence had taken place. He had no enmity with the deceased. He should not have been implicated in this case only because he was in close proximity of the area wherein the alleged incident took place. The trial is likely to take time. His further detention in this case would not serve any useful purpose. Therefore, it is argued that he deserves to be extended benefit of regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has vehemently argued that there are specific allegations against the petitioner that by forming membership of an unlawful assembly with the co-accused and while being armed with an iron strip, he along with other co-accused opened an attack upon the inmates of block No.1 due to their *inter se* rivalry being member of different gangs. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have formed membership of unlawful assembly with the co-accused who were lodged in block No. 3 of the central jail, Tarn Taran and in prosecution of common object of that unlawful assembly, he along with the co-accused is alleged to have caused



injuries on the person of injured Keshav Kumar and two more inmates of block No.1 namely Mandeep Singh @ Tofan and Manmohan @ Mohna who died due to sustaining those injuries. No specific role might have been attributed to the petitioner. However, his complicity in the subject crime by forming membership of an unlawful assembly with the aid of Section 149 of IPC cannot be ruled out at this stage. The trial of this case has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. Keeping in view the severity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

7. Since the main petition has been dismissed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

11th July, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |