

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8347-2024
Date of Decision:27.02.2024

Deepak Kumar @ Deepak @ Kauwa ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Vishavjeet Singh Rishi, Advocate for
Ms.Divya Sharma, Advocate
for the petitioner.

Mr. Shiva Khurmi,AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 72 dated 25.05.2022, registered under Sections 302,34,201 of IPC, Police Station Railway GRP Police, District Ludhiana, Punjab.
2. As per the case of the prosecution, the FIR in the present case was registered by Satpal Singh son of Mota Singh resident of Rajjewal, Police Station Ladhowal, District Ludhiana. As per him, his son Harvinder Singh @ Happy was working on daily basis in Forest Department, Ludhiana and on 17.05.2022, he returned home from his duty at about 05.30 p.m. in the evening and on the same day, at about 07.30 p.m., went back by saying that he would returned home after 03 hours of night duty, but did not return home on that night. At about 08.30 a.m. on 18.05.2022 Ravinder Singh son of the complainant informed him that the dead body of Harvinder Singh @ Happy was

lying near the railway track between Jassian bridge at Railway Station, Ladowal, Ludhiana. On getting this information, the complainant alongwith his other family members reached at the accident site and saw the dead body of his son Harvinder Singh @ Happy, which had suffered many injuries including a deep injury on the back of the head. He shifted the dead body of Harvinder Singh @ Happy with the help of his family and on next day, i.e., 19.05.2022, the postmortem was conducted at Civil Hospital Ludhiana. However, due to the shock of death of his son, he did not make a statement against any one. However, later on, he came to know from nearby people that Sohan Kumar @ Baba, Akhilesh Partap Singh @ Shubham and Deepak @ Kaua, who used to commit snatching incidents near the railway line, had killed his son Harvinder Singh @ Happy while making loot from him. With these broad allegations, the FIR in the present case was got registered by the complainant on 25.05.2022.

3. Learned counsel for the petitioner contends that it was a case of railway accident and Harvinder Singh @ Happy was drunkard and he had died due to railway accident on the night intervening 17/18.05.2022 and his dead body was found on the next day in the morning on the railway track. Even no suspicion was raised on anyone initially. He further contends that the similarly placed co-accused Akhilesh Partap Singh @ Shubham @ Murda and Saurav Kumar @ Baba have already been granted the concession of bail by this Court vide order dated 08.08.2023 and 16.10.2023 respectively (Annexures P-5 and P-6). While granting the concession of regular bail to Akhilesh Partap Singh @ Shubham @ Murda, this Court had made the following observations:-

“It is not in dispute that Harvinder Singh @ Happy had suffered injuries on the night intervening 17/18.05.2022 and his dead body was found at the railway track on 18.05.2022. Even as per the

PMR report (Annexure P-2), the injuries could be sustained in a railway accident and the case is based on circumstantial evidence. Apart from that, after the discovery of the dead body of the deceased, 174 Cr.P.C. proceedings were completed and the FIR in the present case was registered after 08 days, i.e. 25.05.2022. Still further, the prosecution could not place on record any material to show that the petitioner is in a position to influence the witnesses of the prosecution or his likely to flee from the process of justice.

4. On the other hand learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and does not deserve the concession of bail by this Court.
5. I have heard the learned counsel for the parties and perused the record carefully.
6. As per the record, Harvinder Singh @ Happy had died due to the injuries suffered by him on a railway track and the dead body was found on 18.05.2022. Apart from that, the FIR was registered after a delay of more than eight days. Still further, similarly placed co-accused Akhilesh Partap Singh @ Shubham @ Murda and Saurav Kumar @ Baba have already been granted the concession of bail by this Court vide order dated 08.08.2023 and 16.10.2023 respectively (Annexures P-5 and P-6).
7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

27.02.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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