

225 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11962-2024
Date of decision: 13.03.2024

BALJIT SINGH ALIAS BHATTIPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Ms. Sukhpreet Kaur Grewal, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.188 dated 02.10.2020 registered for the offences punishable under Sections 302, 148, 149 of the Indian Penal Code, 1860 (later on added Sections 34, 450, 460 r/w 120-B IPC) at Police Station Nurpur Bedi, District Rupnagar.

2. FIR was registered on the information supplied by Sanjeev Kumar son of deceased Ashok Kumar alleging as under :

“xxx Stated that I am a resident of abovementioned address and is an agriculturist. On 30.09.2020 I was working in the fields by tractor near my house, then Prince Kumar son of Joginder Singh resident of village Bahman Majra entered in our fields and sat on the cot lying in the fields whereas I kept working on my tractor. When Prince Kumar remained seated on the Cot for a long time then I after stopping tractor asked Prince Kumar as to Why has he come here? and he replied that he came casually. I asked him not to sit here uselessly and go home. On my saying this, Prince Kumar

caught hold of me by my neck and started slapping me. We entered into a scuffle and he later on left the place. All this happened at about 10:30 P.M. Then after 15-20 minutes I heard some noises(Roula) coming from house. I, after stopping my tractor, ran to my house and then saw that Prince Kumar armed with rod, Baljit Bhatti son of Dilvar Singh armed with Rod, Karanjeet Singh @ Basu son of Des Raj Mal armed with stick(Danda), were beating my father Ashok Kumar. Prince Kumar, with the rod held in his hand, gave a blow om my father, with an intention to kill, which landed on left side of his head. Then above said Baljit Bhatti with the rod held in his hand, gave a blow, which landed near the right eye of my father and Karanjeet Singh @ Basu hit my father with the danda held in his hand, which hit him on his face. When I, along with my mother Asha Rani, came forward to save my father from these above said persons then 2-3 unknown person kept on stopping us to move ahead. Then the above mentioned persons, after beating my father, left him on ground in injured condition and ran away along with their weapons in a white coloured car. I took my injured father from the spot in a car to Singhpur hospital, where doctor after giving first aid, referred my father to Rupnagar Hospital. Then my father's health got critical at Rupnagar hospital and the doctor referred my father to PGI Chandigarh. My father has now died during treatment at PGI Chandigarh. My father has died due to the injuries inflicted by Prince Kumar, Baljeet Bhatti, Karanjit Singh @ Bassu and 2/3 unknown persons with iron rods and sticks. Legal action be taken against above mentioned persons. The statement has been got recorded before you at PGI Chandigarh and the same has been read over to me and is correct. xxx”

3. Counsel for the petitioner submits that complainant Sanjeev Kumar appeared as PW-1 before the Trial Court and has not supported the prosecution. She submits that as per the postmortem report there is only one injury found on the head of the deceased which is attributed to Karan Kumar who is stated to be armed with *danda*. She further contends that the

petitioner was stated to be armed with iron rod which was sent for forensic and no human blood was found on the same.

4. The aforesaid factual assertions made by counsel for the petitioner are not disputed by the State Counsel.

5. Custody Certificate of the petitioner has been filed today in Court, which is taken on record. As per the same the petitioner has undergone custody of 2 years, 5 months and 27 days.

6. I have heard counsel for the parties and have gone through records of the case.

7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner, the allegations levelled and the nature of evidence especially in view of the fact that the complainant has resiled from his version before the Trial Court, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

March 13, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No