

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM M-12831 of 2024
Date of Decision: 13.03.2024

Jaspal Singh @ Ghogha @ Sonu ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Nitin Narula, Advocate, for the petitioner.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 438 of the Cr.P.C. with a prayer to grant pre-arrest bail to him in case FIR No.0147 dated 01.09.2023 registered under Sections 302 and 34 of IPC at Police Station Kamboj, District Amritsar.
2. The FIR in the present case was registered on the basis of the statement made by Kulwant Kaur wife of late Dilbagh Singh. The FIR has been reproduced below:-

*“Statement of Kulwant Kaur wife of Late Dilbagh Singh resident of Village Jethuwal District Amritsar aged about 68 years Mobile No. 8968564148
Stated that she is the resident of the abovesaid address and does household work. She has three children, two daughters and one son. Her elder daughter Kuldeep Kaur and younger daughter Sarabjeet Kaur are married and her younger son is Bikram Singh @ Bikka, who is*

also married. Bikram Singh's first wife had died and left behind three daughters and one son. On 01.09.2023, at noon, there was an argument between her son and Karam Singh @ Kalu son of Bawa Singh and his brother Ghogha @ Sonu and Balwinder Singh @ Minta son of Karam Singh residents of Village Jethuwal on some matter. However, the matter was got resolved with the intervention of the respectable and they were sent to their homes. In the evening, at about 8.00 p.m., she was standing near the gate of house and her son was sitting on the wall in front of the house. In the meantime, Karam Singh @ Kalu armed with Datar, Ghogha @ Sonu and Balwinder Singh @ Minta both empty handed came from their house towards her son and started hurling abuses. Ghogha @ Sonu and Balwinder Singh started manhandling her son Bikram Singh. In the meantime, Karam Singh @ Kalu gave a Datar blow on neck of her son Bikram Singh @ Bikka, which hit on the left side of neck of her son, due to which, her son fell on the ground. She started shouting "Maar Ditta Maar Ditta". Thereafter, all the assailants ran away from the spot with their weapon. With the help of the neighbours and after arranging the vehicle, she took her son to Guru Ramdas Hospital where doctor declared her son Bikram Singh @ Bika as dead. She alongwith son of her brother-in-law Suneek Singh son of Kashmir Singh resident of Jethuwal were coming to inform you and you met. Statements have been recorded to you. Strict action be taken against the murderer of my son. Statements have been recorded, heard and are correct.

Thumb impression Kulwant Kaur, verified by Sd/- Sunil Singh, attested by SD/- Manmeetpal Singh SHO Police Station Kamboj.

Dated 01.09.2023”

3. Learned counsel for the petitioner contends that there are no specific allegations against the present petitioner and the petitioner has been wrongly mentioned by the complainant. It has been alleged that the petitioner and other co-accused, namely, Balwinder Singh @ Minta and Karam Singh @ Kalu were manhandling the son of the complainant and a blow with *Dattar* was given by Karam Singh @ Kalu. Learned counsel further contends that it has been alleged that the petitioner had only manhandled the deceased and it can never be said that the petitioner shared the common intention with the main accused.

4. I have heard learned counsel for the petitioner and perused the record.

5. It is apparent from the FIR that the present petitioner has been specifically named by the complainant in the FIR. It has been shown that the petitioner had come with co-accused Karam Singh @ Kalu and Balwinder Singh @ Minta. Karam Singh @ Kalu was armed with a *Datter*. After reaching the spot, the petitioner and his co-accused, Balwinder Singh @ Minta and Karam Singh @ Kalu started manhandling the son of the complainant Bikram Singh @ Bikka (since deceased) and in the meantime, Karam Singh @ Kalu gave a

blow with *Dattar* on the neck of her son Bikram Singh @ Bikka (since deceased). Thereafter, the petitioner alongwith the main accused fled from the spot. Thus, it is apparent that the present petitioner was involved in the crime alongwith the main accused and specific role has been attributed to him. Thus, keeping in view the gravity of the allegations, the petitioner is not entitled to the concession of anticipatory bail and the petition is, accordingly, dismissed.

13.03.2024

amit rana

(N.S.SHEKHAWAT)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No