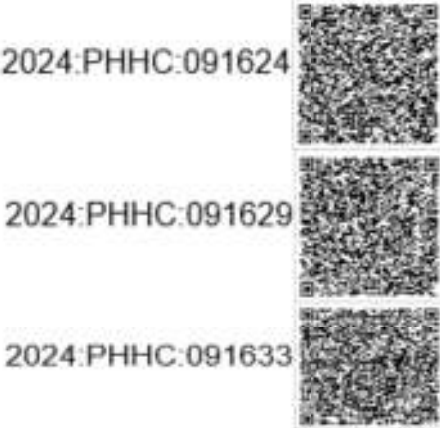


CRM-M-15691-2024
CRN-M-7469-2024
CRM-M-14343-2023



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on: 16.07.2024.
Pronounced on: 22.07.2024.

1. CRM-M-15691 of 2024
Lovepreet Singh @ Phoola

.....Petitioner

Vs.

State of Punjab

.....Respondent
2. CRM-M-7469 of 2024
Varinder Singh @ Vindu

.....Petitioner

Vs.

State of Punjab

.....Respondent
3. CRM-M-14343 of 2023
Gurpreet Singh @ Gopi

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. J.S. Bains, Advocate for the petitioner
in CRM-M-15691 of 2024.

Ms. Amarjot Kaur, Advocate for the petitioner
in CRM-M-7469 of 2024.

Mr. Yajur Sharma and Mr. Akun Sheemar, Advocates
for the petitioner in CRM-M-14343 of 2023.

Mr. Eklavya Darsi, DAG, Punjab.

DEEPAK GUPTA, J. (Oral)

In the three petitions titled above, all filed under Section 439
Cr.P.C., petitioners have prayed for their release on regular bail in case FIR

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No.207 dated 23.09.2021 registered under Sections 302, 452, 427, 323, 148, 149 IPC at Police Station Chattiwind, District Amritsar (Rural).

2. For petitioner – Lovepreet Singh @ Phoola, it is his third petition. The earlier two petitions filed by him bearing CRM-M-41499 of 2023 and CRM-M-53314 of 2023 are stated to have been dismissed as withdrawn. For other two petitioners, namely, Gurpreet Singh @ Gopi and Varinder Singh @ Vindu, it is their first petition.

3. Separate status reports in all the three cases have since been filed on behalf of the State.

4.1 FIR is based on the statement of complainant – Niranjan Singh son of Tara Singh, resident of Patti Kile Wali Varpal. It was alleged by the complainant that on 23.09.2021 at about 7:30/7:45 PM, he and his son *Kulbir Singh @ Kala* were present at their shop, when an auto stopped there. His son Kulbir asked the auto driver to move the auto a little ahead from the main door of the house, at which **Malkit Singh** and **Gopi Singh** (*petitioner in CRM-M-14343 of 2023*) son of Balwant Singh, who were standing there to sell drugs, started abusing his son. Complainant along with *Lakhhbir Singh, Heera Singh @ Soni* etc., calmed them down. However, after some time, **Jatinder Singh @ Ravi** son of Sukhdev Singh, armed with *Poker (Bitt)* [a kind of pointed weapon], **Varinder Singh @ Vindu** (*petitioner in CRM-M-7469 of 2024*) armed with a *Poker*; **Malkit Singh @ Malli** armed with a *Poker*, **Jagtar Singh @ Bau** armed with a *Suan* (Bitt); **Lakhwinder Singh @ Lakha** armed with a *Sota*, **Kati Singh @ Nihang** armed with



Poker (Bitt); and **Nishan Singh, Jagga Singh @ Lali, Jasbir Singh @ Giani, Sandeep Singh, Avtar Singh @ Kalu, Lovepreet Singh @ Phoola** (*petitioner in CRM-M-15691 of 2024*), **Lovepreet Singh @ Ladi, Jagroop Singh @ Jagga, Happy Singh**, empty handed alongwith 3-4 others while hurling abuses entered the house of complainant. Nishan Singh and Gopi (*petitioner*) raised lalkara, calling his (complainant's) son Kulbir Singh, stating as to how he had dared to stop them from selling the drugs and then both of them i.e. **Nishan Singh and petitioner Gopi** caught hold of Kulbir; whereas **Malkit Singh @Malli and Jagtar Singh** continuously hit with their Pokers to Kulbir Singh on his waist. *Dalbir Singh @ Kaka (deceased)*, the second son of the complainant moved forward to save his brother Kulbir, at which, **Jasbir Singh @ Giani** and **Lakhwinder Singh @ Lakha** caught hold of Dalbir Singh by his hair. **Jatinder Singh @ Ravi, Varinder Singh @ Vindu** (*petitioner*), **Malkit Singh @ Malli** and **Jagtar Singh @ Bau** then continuously hit on the waist of Dalbir Singh with their Pokers. Sandeep Singh hit a stone on the head of Kulbir. The other assailants were causing damage to his house. As the complainant raised noise, the assailants fled away from the spot along with their respective weapons. Complainant-Niranjan along with his nephew Nirbhay Singh arranged the conveyance and shifted his injured sons Kulbir Singh and Dalbir Singh to Guru Ramdas Hospital near Gurdwara Baba Deep Singh Amritsar. However, the doctor declared Dalbir Singh @ Kaka to be dead.



4.2 On the basis of afore-said statement, FIR was registered. The Post Mortem Examination Report revealed the cause of death of Dalbir to be *Haemorrhage* and *shock*, as a result of injuries No.1 and 3, which were sufficient to cause death in ordinary course of nature.

4.3 During investigation, Avtar Singh @ Kalu, petitioner – Lovepreet Singh @ Phoola, Jagtar Singh @ Bau, petitioner – Varinder Singh @ Vindu, petitioner Gurpreet Singh @ Gopi, Jagroop Singh and Malkit were arrested from time to time. From the possession of Jagtar and petitioner-Varinder @ Vindu and Malkit, respective Pokers used in the crime were recovered pursuant to the disclosure statements suffered by them. Some of the accused, namely, Sandeep Singh, Lovepreet Singh son of Kulwant Singh, Jagroop Singh and Happy were found innocent and as such, Jagroop Singh was got discharged. Some of the accused, namely, Jatinder Singh @ Ravi, Nishan Singh, Jagga, Jasbir Singh, Lakhwinder Singh and Kati Singh @ Nihang went into hiding and they were declared Proclaimed Offenders.

4.4 After completing necessary investigation, final report under Section 173 Cr.P.C. was submitted in the Court to prosecute the arrested accused.

5. It is contended by learned counsel representing petitioner – Lovepreet Singh @ Phoola (*petitioner in CRM-M-15691 of 2024*) that the said petitioner has been falsely implicated; that his presence was shown at the spot but only empty handed; that no role whatsoever is attributed to him in the crime either to have given injuries to injured Kulbir or to deceased –



Dalbir; that said petitioner – Lovepreet @ Phoola is in custody since October, 2021 and so he, be allowed bail, as trial may take time to conclude.

6. On behalf of petitioner – Gurpreet Singh @ Gopi (*petitioner in CRM-M-14343 of 2023*), it is contended that only the role attributed to him is to have raised lalkara and that in fact, he has been made a scape-goat to settle an old rivalry; that challan has already been presented and trial is likely to take long time to conclude and so, he be allowed bail.

7. On behalf of petitioner – Varinder Singh @ Vindu (*petitioner in CRM-M-7469 of 2024*), it is contended that he has been falsely implicated; that there is no chance of his absconding, in case he is allowed bail; that trial may take a long time to conclude and so, he be allowed bail.

8. Opposing all the petitions, learned State Counsel pointed out that all the petitioners were members of the unlawful assembly, which committed murder of Dalbir and caused as many as ten injuries to Kulbir. By pointing out towards the nature of crime and the roles attributed to the petitioners, prayer is made for rejecting the petitions.

9. I have considered the submissions of both the sides and have perused the record carefully.

10. As far as petitioner – Varinder @ Vindu is concerned, specific role is attributed to him to the effect that he along with Jatinder @ Ravi, Malkit Singh Malli and Jagtar Singh @ Bau gave Poker (Bitt) blows on the wrist of Dalbir, resulting in his death. Considering the direct attribution to

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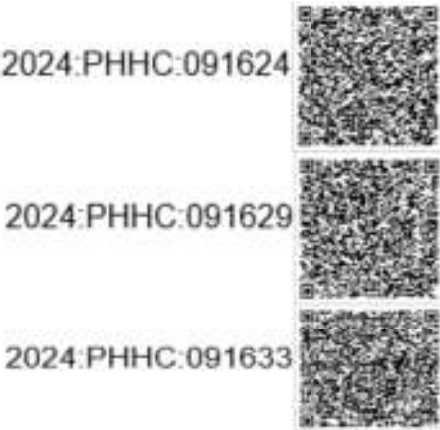
the petitioner – Varinder @Vindu, to have caused injuries to Dalbir, with a weapon (*Bitt*), he is held to be not entitled for grant of bail.

11. Coming to the role of petitioner – Gurpreet Singh @ Gopi, it is he, who along with Malkit Singh had raised the dispute with Kulbir, when said Kulbir had stopped them from selling drugs. Apart from this, it is petitioner – Gopi, who along with co-accused Nishan Singh raised lalkara by calling Kulbir as to how he had dared to stop them from selling the drugs and it is only thereafter that the other co-accused assaulted Kulbir and Dalbir. Thus, there are specific attributions to the petitioner – Gurpreet @ Gopi and as such, he is held to be not entitled to grant of bail having regard to the nature of the crime and his above attribution.

12. As far as petitioner – Lovepreet Singh @ Phoola Singh is concerned, no doubt that he is shown to be part of the unlawful assembly but at the same time, there is no specific attribution to him. As per the FIR and the investigation, he was empty handed. There is no allegation that he caused any injury either to the deceased – Dalbir or to the injured- Kulbir. Said petitioner – Lovepreet @ Phoola is in custody since 06.10.2021 i.e. for the last more than 02 years and 09 months. Trial may take long time to conclude and so, without commenting anything on the merits of the case, said Lovepreet Singh @Phoola is held entitled for grant of bail.

13. Consequent to the above discussion, **CRM-M-7469 of 2024 titled “Varinder Singh @ Vindu Vs. State of Punjab” and CRM-M-14343 of**

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2023 titled “Gurpreet Singh @Gopi Vs. State of Punjab” are hereby dismissed.

14. **CRM-M-15691 of 2024** titled “Lovepreet Singh @ Phoola Vs. State of Punjab” is allowed. Petitioner – Lovepreet Singh @ Phoola is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

A photocopy of this order be placed on the file of connected case.

July 22, 2024
renu

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No