

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

232-1

CRM-M-18823-2024
Date of decision : 24.04.2024

Rajesh @ Chotad Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Dhiraj Jindal, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. 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.78 dated 05.06.2022 registered for the offences punishable under Sections 302, 148 and 149 of the Indian Penal Code, 1860 at Police Station Moonak, District Sangrur.

2. As per the contents of the FIR it has been alleged as under :

“xxx that I am resident of above said address. I am working as labourer. We are four brother sisters. All are married. Yesterday, on dated 04.06.2022, it will be about 8:30 PM that I along with my brother Jethu Singh were coming back to my house from our work. My brother was going about 20 karam ahead. When my brother reached near our house, then Shally, Sagar, Akash sons of Janta Singh, Rinku @ Tainy son of Pirthi Singh, Sanju sons of Mahinder Singh, who were armed with Gandasa in their hands, Rajesh @ Chhotar son of Gadarh Singh, Major Singh son of Ram Ram residents of Busehra, who were armed with dangs and were standing in the street. When, my brother was passing through them, they started giving abuses. When my brother stopped them from giving abuses, above said Shally gave blow of his gandasa on the left leg of my brother. Then Sagar who was having gandasa in his hands, gave its blow from reverse side at the leg of my brother.

2024:PHHC:055583

Then Akash gave blow of his gandasa at the left leg of my brother Jethu Singh. Then Sanju gave blow of his gandasa at the left leg of my brother Jethu Singh. My brother Jethu Singh fell down on the ground. While my brother Jethu Singh was fallen, Rinku @Tanny gave blow from the reverse side of his gandasa at the left leg of my brother Jethu Singh. Then Rajesh Singh gave blow of his dang at the left foot of my brother. Then Shally gave blow of his gandasa at his right leg. Then Shally gave blow of his gandasa at the left wrists of my brother. Then Akash gave blow of his gandasa at the right arm of my brother. Rajesh gave blow of his dang at the right arm of my brother. Then Rinku @ Tainu gave blow of his gandasa at the back side of right shoulder of my brother. Rajesh gave blow of his dang at the chin of my brother.. Then Rinku @ Tainy gave blow of his gandasa at the forehead of my brother. Then Sagar gave blow from the reverse side of his gandasa at the head of my brother. Then Akash gave two blows of his gandasa at the head of my brother. Then Major gave two blows of his dang at the hip of my brother. Then I raised clamour marta marta. People were gathering on the spot. The above said persons ran away from the spot with their respective weapons. Then, I made arrangement of vehicle and got admitted my brother for treatment in government hospital Moonak. Then doctor gave first aid to my brother and referred him to government hospital Sangrur. When, we were taking away my brother to Civil Hospital, Sangrur for treatment, on the way his condition became deteriorated and we take away my brother to government hospital Sunam. There doctor checked my brother and declared him dead. Then we kept the dead body of our brother Jethu Singh in the mortuary of Civil Hospital, Sunam. Today, you have reached with police party at Government Hospital, Sunam. There, I alongwith my mother Birmati have met with you in Government Hospital Sunam and record my statement, which is read over to me and is correct. The reason behind the grude is that earlier our quarrel took place with the above said persons. But the respectable persons of the area had affected compromise between us. But the above said persons were keeping grudge against my brother. Therefore, the above said persons have committed the murder of my brother. Legal action be taken against the above said persons. Sd. Wakeel Singh”

3. Counsel for the petitioner submits that even if the allegations levelled in the FIR are taken on their face value the attribution to the petitioner is of having given *dang* blows on the body of the deceased. Counsel further submits that the investigation stands concluded and the complainant deliberately delaying the trial. Complainant is being summoned throughailable warrants since 29th of August, 2023 but has opted to evade the process. He further submits that there are 16 cited witnesses and none has been examined till date. Charges were framed on 24th of November, 2022. The petitioner is behind bars since 5th of June, 2022.
4. State Counsel is not in position to dispute the factual assertions made by counsel for the petitioner based on record.
5. I have heard counsel for the parties and have gone through records of the case.
6. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that it is the complainant only who is delaying the trial, 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.
7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

24.04.2024

Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No