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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

293

CRM-M-23420-2024 (O&M)
Date of decision: 13.08.2024

Kuldeep Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. K. S. Sidhu, Sr. Advocate with
Mr. Kartik Bansal, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Anil Kaushik, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed by the petitioner under Section 439 Cr.P.C., is for grant of regular bail in case bearing FIR No. 295 dated 27.11.2023, registered under Sections 323, 324, 307, 452, 506, 34 and 302 of IPC at Police Station Sadar Ambala.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 27.11.2023 on the basis of the complaint filed by the complainant Ranbir Singh alleging therein that on the said day at about 8:00 AM, his paternal uncle's sons Gurvinder and

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petitioner Kuldeep came to their house and called outside as they were having some grievances against them with regard to sale of a piece of land by the complainant party to Karam Chand. Thereafter, co-accused Gurvinder hit him on head with axe and petitioner Kuldeep hit him with a *danda* at his left eye and also on head. However, he managed to escape by entering into the house. However, co-accused Gurvinder and petitioner Kuldeep followed him and when his mother Paramjit Kaur tried to save him from the attack, Gurvinder hit on her head with axe, due to which, she fell down and started bleeding. When the people gathered on hearing shouts for help, both the assailants fled away from the spot with their weapons. The complainant prayed for taking action against the culprits. The petitioner was arrested on 29.11.2023. Later on, victim Paramjit Kaur succumbed to her injuries on 06.12.2023. Consequently, offence under Section 302 of IPC was added. After completion of necessary investigation and usual formalities, challan under Section 173 of Cr.P.C. was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforesaid mentioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 14.03.2024.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. There is unexplained delay in registration of FIR as the occurrence is alleged to have taken place at 08:00 AM but the FIR was got registered at 05:40 PM. The case was earlier registered under Sections 323, 324, 452, 307, 506 and 34 of IPC but after the death of victim Paramjit Kaur

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on 06.12.2023, offence under Section 302 of IPC was added. No injury is attributed to the petitioner on the person of the deceased. There is allegation that the petitioner had caused one injury on the head and eyebrow of the complainant with a *danda* and also on his leg. However, as per medico-legal report, no injury has been found on the person of the complainant with *danda* and the only injury found on the person of the complainant is attributed to co-accused Gurvinder. The petitioner is in custody since 29.11.2023. The trial is likely to take a long time. Hence, it is argued that the petitioner deserves to be granted benefit of regular bail.

4. *Per contra*, learned State counsel, assisted by learned counsel for the complainant, has filed the status report, which is taken on record. He has argued that there are serious and specific allegations against the petitioner. The petitioner and co-accused Gurvinder had caused serious injuries not only to the complainant but to his mother Paramjit Kaur, who was petitioner's aunt. Victim Paramjit Kaur had died on 06.12.2023 due to the injuries caused by the accused persons. The weapons used in the subject crime have been recovered at the instance of the petitioner and co-accused and they have been sent to FSL, Madhuban for examination and the report of the FSL is still awaited. The investigation has since been completed and challan has been presented. The trial may be expedited. Since the complainant and the petitioner are closely related to each other, there are chances of the petitioner's intimidating the witnesses or tamper with the prosecution evidence. Hence, it is argued that the petition is liable to be dismissed.

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5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

6. As per allegations, the petitioner along with co-accused Gurvinder had opened an attack on the complainant on 27.11.2023 on account of some *inter se* dispute with regard to sale of a land by the complainant party. The petitioner was armed with a *danda*, whereas the co-accused was armed with an axe and they in furtherance with their common intention had caused serious injuries to the complainant and his mother Paramjit Kaur, resulting into her death on 06.12.2023. The complainant had also sustained serious injuries on his head. As per postmortem report, the cause of death of the victim Paramjit Kaur was head injury and its complications. Although, no injury is attributed to the petitioner on the person of the deceased but it cannot be ignored that when the complainant rushed into his house in order to save himself, the petitioner and aforesaid co-accused, both, had chased him, whereupon victim Paramjit Kaur was given severe head injuries with an axe by the co-accused, when she was trying to save the complainant. Section 34 of IPC has been invoked by the investigating agency, makes a co-perpetrator, who had participated in the offence, equally liable on the principle of joint liability. There are serious and specific allegations against the petitioner. There is nothing on record to show that there would be any undue delay in conclusion of trial. Keeping in view the gravity of offences alleged to have been committed by the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, this Court is

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of the considered view that the petitioner does not deserve to be given concession of regular bail, at this stage. Hence, the petition stands dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

13.08.2024

Waseem Ansari

(MANISHA BATRA)

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>