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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.28414 of 2024
Date of decision: 03.07.2024**

Hardeep Singh @ Laddi**..... Petitioner****versus****State of Punjab****..... Respondent****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. G. P. S. Ghuman, Advocate and
Mr. Atul Kumar, Advocate
for the petitioner.

RAJESH BHARDWAJ J.

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.92, dated 16.05.2022, under Sections 302, 148, 149 of IPC, registered at Police Station Samrala, District Ludhiana (Annexure P-1). Further prayer has been made that requirement of filing the certified copies of Annexure P-1 and P-2 may kindly be exempted and true translated/downloaded photocopies of Annexures P-1 and P-2 kindly be taken on record.

2. Adumbrated facts of the case are that the present FIR was lodged on the statement of complainant, namely, Bhajan Singh. It was alleged that he had two sons. The elder one was Karamveer Singh, who aged about 28 years whereas the younger one, namely, Avtar Singh (deceased) was at about 26 years. His youngest son, namely, Avtar Singh



had developed friendship with one girl namely, Simran Kaur. He came to know that about 10 days ago that girl, namely, Simran Kaur had eloped from her house with some other boy. However the family members of Simran Kaur suspected his son, Avtar Singh for the elopement of their daughter. Hence on 15.05.2022, he along with his son and some respectable persons of the village went to Dera of Gursewak Singh. Hardeep Singh @ Laddi (petitioner) along with other persons were already present there. They pressurized his son, Avtar Singh to confess his role in the elopement of their daughter. All these persons gave severe beatings to his son with sticks and batons and he was forcibly taken along in the Dera of Gursewak Singh. On 16.05.2022, he received a phone call that all those people had killed his son in the Dera of Gursewak Singh. A request was made to take the legal action against the culprits. On the basis of complaint, FIR was lodged and the investigation commenced. The petitioner was arrested on 17.05.2022. He approached the Court of learned Additional Sessions Judge, Ludhiana praying for the grant of bail. However after hearing both the sides, the same was declined by the learned Additional Sessions Judge vide his order dated 02.11.2023. Hence the petitioner is before this Court by way of filing the present petition for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He has submitted that the petitioner did not even participate in the alleged occurrence. He submits that there is an unexplained delay of 21 hours in registration of the FIR. He submits that the allegations made by the



complainant are false and fabricated as it is unbelievable that being father, he left his son in the Dera when his life was in danger. He has submitted that the occurrence has taken place at two places and complicity of the petitioner has not been established by the prosecution. He has submitted that the co-accused have already been granted bail in this case. He has further submitted that the ocular version has not been medically corroborated as no specific injury has been attributed to the petitioner. He has submitted that the prosecution has relied upon the evidence of one witness i.e. PW-Mann Singh, whose evidence do not inspire any confidence. He has submitted that the petitioner is in custody from the last about 02 years and the prosecution has not been able to conclude the trial. He thus submits that the petitioner deserves to be granted bail.

4. Notice of motion.

5. On asking of the Court, Mr. J. S. Arora, DAG, Punjab appears and accepts notice on behalf of the respondent-State. At this stage, Mr. Mohit Vashishat, Advocate has appeared and filed his vakalatnama on behalf of the complainant.

6. *Per contra*, learned counsel for the State has opposed the submissions made by learned counsel for the petitioner. He, on instructions from ASI Davinder Singh, has submitted that the petitioner is one of the main accused. He submits that there is ample evidence against the petitioner, who has played an active role in the commission of offence. He submits that PW-15, Mann Singh, whose evidence has been recorded though video conferencing, had specifically supported the case of prosecution wherein the petitioner was duly identified. He was duly armed



and had caused injuries to the deceased. He has submitted that out of 22 prosecution witnesses, 8 have already been examined. He submits that in the facts and circumstances of the case, the petitioner has no case for the grant of bail and hence the same be dismissed.

7. Learned counsel for the complainant has also opposed the submissions made by learned counsel for the petitioner. He has submitted that the petitioner is a habitual offender, who has already been convicted in FIR No.46, dated 23.03.2020, registered at Police Station Samrala by the trial Court vide its order dated 09.06.2023. He submits that the similarly situated co-accused, namely, Kulvir Singh had approached this Court by way of filing **CRM-M No.22292 of 2023**. He submits that relying upon the evidence of PW-15 Mann Singh, this Court had dismissed his petition vide order dated 17.10.2023. He submits that case of the petitioner is not different than that of the co-accused Kulvir Singh and thus, the petition deserves to be dismissed.

8. The Court has heard learned counsel for the parties and perused the record.

9. It is deciphered from the facts and circumstances of the case that the deceased had friendship with one girl namely, Simran Kaur, who eloped from her home. The deceased was being suspected by the family members of this girl to be behind the incident. The complainant along with his son and respectable persons of the village had allegedly gone to Dera of Gursewak Singh to have conversations with the family members of the girl. The petitioner and other persons were already present there.

The deceased was allegedly beaten up by the petitioner and others and he



was forcibly dragged inside the Dera. On the next day, his dead body was found. PW-15 Mann Singh had appeared before the trial Court through video conferencing and specifically supported the prosecution case wherein the complicity of the petitioner was established by him in the murder of son of the complainant.

10. Needless to say the bail petition filed by the similarly situated co-accused, namely, Kulvir Singh had already been declined by this Court vide order dated 17.10.2023. As submitted by learned State counsel, so far 8 witnesses out of the total 22 have been examined by the trial Court. The petitioner is also found to have been convicted in another case bearing FIR No.46 dated 23.03.2020, registered at Police Station Samrala by the trial Court vide its order dated 09.06.2023.

11. Considering the over all facts and circumstances of the case, this Court finds that the petitioner does not qualify for the grant of bail at this stage. Thus, the petition being devoid of any merit is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

03.07.2024

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Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No