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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on:20.01.2024
Pronounced on: 23.01.2024

1.

CRM-M-7504 of 2023

Sukhchain Singh @ Sukha

.....Petitioner

Sate of Punjab

Vs.

.....Respondent
2.

CRM-M-18849 of 2023

Lavjot Singh @ Lovejot Singh

.....Petitioner

Sate of Punjab

Vs.

.....Respondent
3.

CRM-M-30276 of 2023

Harman Singh

.....Petitioner

Sate of Punjab

Vs.

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sukhjot Singh, Advocate for the petitioners.
Mr. Amit Rana, Sr. DAG, Punjab.

DEEPAK GUPTA, J.

This order shall dispose of three petitions titled above, all filed under Section 439 Cr.P.C, as in all of them, prayer is made by the petitioners for their release on regular bail in case FIR No.78 dated 05.04.2022 registered under Sections 307, 379, 120-B, 148, 149, 201 IPC at Police Station Sarabha Nagar, District Ludhiana.

2. Status report has been filed in CRM-M-30276 of 2023 titled

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“Harman Singh Vs. State of Punjab” and as per the request of learned State Counsel, the same is being considered for all the three petitions.

3. FIR was lodged on the complaint of Kuldeep Singh, resident of Deshmesh Nagar, Iliyai Khurd, Hambra Road, Ludhiana, as per which, his son Rustambir Singh had gone to Jugnu Ahata near Rajpura Chowk on 04.04.2022, to attend a birthday party. At 11:30 PM, he (complainant Kuldeep) received a message from Navpreet Kaur, to the effect that Rustambir had received injuries from his friends near statue of Late Kuldeep Manak. Accompanied by his elder son and other relative Sobhit, complainant reached the spot and saw his son Rustambir lying in injured condition, with his intestine protruding out and blood oozing out. They shifted injured Rustambir to Global Hospital, from where, he was referred to DMC Hospital, Ludhiana. On asking, his injured son disclosed that due to some quarrel at a party, he had been attacked by Harman (*petitioner in CRM-M-30276 of 2023*), Lavjot Singh @ Lovejot Singh (*petitioner in CRM-M-18849 of 2023*), Deepak Lightbaaj and Vailly, brother of Tinku, who were also accompanied by 10-12 unidentified persons and all of them had given him knife blows in his abdomen, head and arms and also took away his mobile.

4. Investigation was carried out. The medico legal report of injured Rustambir issued by DMC Hospital, Ludhiana was collected, revealing 10 injuries on his person including stab wound on abdomen with gut protruding outside; another stab wound on periumbilical region besides lacerations on scalp, forehead, chest, upper arm and thumb. Injury No.1 i.e. stab wound in abdomen and injury on the left thumb were declared grievous by the doctor. All the injuries were stated to be caused by sharp-edged weapons. Status report also reveals that

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statement of injured Rustambir was recorded under Section 161 Cr.P.C on 12.04.2022, in which, corroborating the occurrence, he also told that Harman & Deepak Lightbaaj had given knife blows in his abdomen. CCTV footage was collected.

5. Learned counsel for Sukhchain Singh contends that had the petitioner – Sukhchain Singh @ Sukha been present at the spot of occurrence, he would have been named by the injured Rustambir, when he narrated the occurrence to his father Kuldeep and that this in itself shows false implication of this petitioner. Learned counsel further points out towards the custody period of the petitioner and that statement of injured has already been recorded and prays for grant of bail.

6. On behalf of petitioners – Harman Singh and Lavjot Singh @ Lovejot Singh, attention is drawn towards their custody period, inasmuch as they are in custody for the last more than 01 year and 04 months and the fact that statement of injured Rustambir has already been recorded. Prayer is made for grant of regular bail.

7. Opposing the bail petitions, learned State Counsel has drawn attention towards the number of injuries caused on the person of Rustambir and that all were caused by sharp-edged weapon and most of the injuries were on the vital part of the body. Learned State Counsel further contends that injured – Rustambir has supported the prosecution case in his testimony and that in all these circumstances, none of the petitioners deserve to be given the benefit of bail.

8. I have considered the submissions of both the sides and have appraised the record.

9. Petitioner Sukhchain Singh @ Sukha is not named in the FIR to be

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amongst the assailants, though the name of assailants were disclosed to complainant Kuldeep by his injured son Rustambir in the hospital after the occurrence. In the status report, Police claims that statement of injured Rustambir was recorded on 12.04.2022, with no reference of any statement given by said Rustambir on 14.04.2022. However, learned counsel for the petitioner has drawn attention towards Annexure P.4 produced in CRM-M-7504 of 2023 titled *Sukhchain Singh @ Sukha Vs. State of Punjab*” as per which statement of Rustambir was recorded on 14.04.2022 and in which he named petitioner Sukhchain Singh @ Sukha for the first time to be the amongst assailants. Apart from this inconsistency, which needs to be explained during trial, as per the testimony of PW3 Rustambir made during trial, he knew the assailants personally prior to the occurrence. Still the name of petitioner- Sukhchain Singh @ Sukha was not disclosed at the first instance by said injured to his father Kuldeep. Apart from this, name of Navjot Kaur has emerged in the FIR, as well as in the testimony of PW3 Rustambir, who is stated to be present at the time of occurrence and who had informed about the occurrence to the complainant, i.e. father of the injured. There is nothing in the Police report that statement of said Navjot Kaur was recorded during investigation. Further, petitioner – Sukhchain Singh @ Sukha is in custody for the last 01 year 04 months and 28 days. Similarly, though accused Harman and Lavjot are named in the FIR to be among assailants and they have also been named by PW3 Rustambir in his testimony but their custody period is also more than 01 year and 04 months as per the custody certificates placed on record. The material witnesses i.e. Rustambir has already been examined. Trial is likely to take long time to conclude.

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10. Having regard to all the afore-said facts and circumstances and the fact that no purpose shall be served by keeping the petitioners detained, but without commenting anything on the merits of the case, all the three petitions are accepted. All the three petitioners, i.e. Sukhchain Singh @ Sukha (petitioner in CRM-M-7504 of 2023), Lavjot Singh @ Lovejot Singh (petitioner in CRM-M-18849 of 2023) and Harman Singh (petitioner in CRM-M-30276 of 2023) are admitted to bail on their 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 files of connected cases.

January 23, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No