

CRM-M-29435-2024 and other connected matters
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206 (2 cases) + 209
**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision:- 05.11.2024

(1)

CRM-M-29435-2024

Jagsir Singh ...Petitioner

Vs.

State of Punjab ...Respondent

(2)

CRM-M-30326-2024

Bachittar Singh ...Petitioner

Vs.

State of Punjab ...Respondent

(3)

CRM-M-35210-2024

Nanak Singh and another ...Petitioners

Vs.

State of Punjab ...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Navinder Jit Singh Dandiwal, Advocate
for the petitioner in CRM-M-29435-2024.

Mr. Sukhmeet Singh, Advocate
for the petitioner(s) in CRM-M-30326-2024 and
in CRM-M-35210-2024.

Mr. Kewal Singh, Addl. A.G. Punjab.

Mr. Anoop Singla, Advocate
for the complainant.



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AMARJOT BHATTI, J.

1. All petitions, CRM-M-29435-2024, CRM-M-30326-2024 and CRM-M-35210-2024 as referred above arising out of common FIR are taken up together with consent of learned counsel for parties.

2. Petitioners – Jagsir Singh, Bachittar Singh and Nanak Singh and Gurnam Singh have filed separate petitions under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 198 dated 25.10.2023, under Sections 302, 342, 148, 149 of IPC and under Section 67 of Information Technology Act, 2000 (Section 304 of IPC added lateron and Section 302 of IPC has been deleted), registered at Police Station Bagha Purana, District Moga.

3. Facts of the case are Seeto Kaur complainant gave her statement that on 15.10.2023, she alongwith her husband Ujjagar Singh had gone to Rajasthan to pick cotton. There they came to know that their son Karam Singh had expired. On reaching home, they found that Karam Singh had suffered injuries and at the instance of respectables of village and other family members, they agreed for proceedings under Section 174 Cr.P.C. After few days, a video went viral on social media wherein after a theft in safe/locker in Gurudwara Sahib, Nanak Singh and two other persons caught her son Karam Singh and took him out where he was badly beaten up after tying him. After inquiry at their level, they came to know from people that Nanak Singh, Gurnam Singh, Jagtar Singh, Seera Singh, Dharampal, Kakku and 10-15 other unknown persons detained her son Karam Singh in premises of Gurudwara Gurpuri Sahib. His arms and legs were tied and was given beatings. From the video which got viral on social

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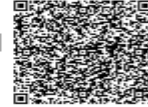
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media, she is sure that her son Karam Singh was caused multiple injuries by aforesaid persons.

4. Learned counsel for petitioners in CRM-M-35210-2024 argued that they are falsely implicated in said FIR. During investigation, CCTV footage was seen and on the basis of statements of witnesses, it was revealed that Karam Singh had broken open safe of Gurudwara Gurburi Sahib and committed theft. He was thrashed by all residents of Gurusar Mari with sticks and he was being taken to Civil Hospital, Moga. Karam Singh tried to run away by jumping from motorcycle, as a result, he fell down and suffered head injuries. Ultimately, offence under Section 302 of IPC was deleted and offence under Section 304 of IPC was added vide GD No. 29 dated 16.10.2023 (Annexure P-2). Learned counsel representing petitioners pointed out that even in Postmortem Report there is a reference of injuries on account of motor vehicle accident. Copy of Postmortem Report is Annexure P-4. Version put forward by complainant is afterthought and same cannot be relied upon.

In addition to aforementioned arguments, learned counsel for petitioner in CRM-M-29435-2024 argued that present petitioner was granted *interim* bail vide order dated 05.06.2024 and he has joined investigation. Allegations against him are without any basis. He is ready to abide by the terms and conditions imposed by this Court. Therefore, *interim* bail already granted in his favour may be confirmed.

In addition to aforementioned arguments, learned counsel for petitioner in CRM-M-30326-2024 argued that present petitioner was

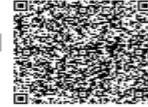
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granted *interim* relief and his arrest was stayed vide order dated 21.06.2024 and in pursuance of this, he is ready to join the investigation as and when required. He is not required for any other purpose. Entire case of prosecution is based on misconception. In-fact, Karam Singh died as he jumped from motorcycle and received injuries. He is ready to abide by the terms and conditions imposed by this Court. Therefore, his anticipatory bail petition may be allowed.

5. Aforesaid anticipatory bail petitions are opposed by learned counsel representing State. Status report was already filed in CRM-M-35210-2024 and CRM-M-30326-2024, whereas, in CRM-M-29435-2024, status report is filed today, which is taken on record. It is pointed out that first statement of complainant was recorded as per facts told to them on their arrival to village. Later on, a video went viral on social media which cleared the factual position. Petitioners Nanak Singh and Gurnam Singh are specifically named. Whereas, names of Bachittar Singh and Jagsir Singh came into light during investigation. There is a video regarding incident of giving beating to Karam Singh. Petitioners are required to join investigation. Their custodial interrogation is also required. Thus, opposed anticipatory bail petitions filed by petitioners.

6. Learned counsel for complainant filed written reply opposing anticipatory bail petitions filed by petitioners. One CD Annexure R-2/1 and still photographs Annexure R-2/2 are annexed with reply in CRM-M-35210-2024 showing factual position. It is thus prayed that anticipatory bail petitions filed by petitioners may be dismissed.

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7. I have considered the arguments advanced by learned counsel(s) for petitioners as well as learned counsel representing State assisted by learned counsel for complainant. In the case in hand, initially complainant got her version recorded as disclosed to her by respectables of village and later on FIR was registered on the basis of a video which went viral on social media. Said video of occurrence cannot be ignored. Considering the peculiar facts of case, matter requires thorough investigation. At this stage, recital in Postmortem Report that it was a case of motor vehicle accident cannot be given any weightage. As per Postmortem Report, deceased victim had suffered six injuries including head injury. Considering the gravity of offence, I do not find a fit case for grant of anticipatory bail to petitioners. Therefore, anticipatory bail petitions i.e. **CRM-M-29435-2024, CRM-M-30326-2024 and CRM-M-35210-2024** filed by **petitioners Jagsir Singh, Bachittar Singh and Nanak Singh, Gurnam Singh respectively are accordingly, dismissed.** Accordingly, *interim* order passed in CRM-M-29435-2024 vide order dated 05.06.2024 stands vacated.

8. Pending miscellaneous application(s), if any, in all cases, stand disposed of accordingly as well.

05.11.2024

*lalit***(AMARJOT BHATTI)**
JUDGEWhether speaking/reasoned:
Whether reportable:Yes/No
Yes/No