



208 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-30381-2024
Date of decision: 5th July, 2024

Harjit Singh @ Kala

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

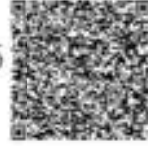
CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Karanjeet Singh Brar, Advocate for the petitioner.

Mr. A.S. Samra, AAG, Punjab.

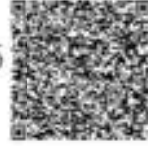
MANISHA BATRA, J (ORAL):-

The petitioner is seeking regular bail in case arising out of FIR No. 76 dated 12.06.2023 registered under Sections 307, 323 and 34 of IPC, 1860 at Police Station Barnala, District Barnala on the basis of statement recorded by the complainant Hardeep Singh alleging therein that on 09.06.2023, he along with his friend Arshdeep Singh @ Happy was going towards Barnala on his motorcycle. He was a pillion rider. At about 7:00 PM, they had stopped at Hind Petrol Pump, Village Cheema when a car skoda make reached there. The petitioner and his brother Jeewan Singh alighted from the car, whereas, one unknown person was found sitting on the driver seat of that car. Jeewan Singh gave a lalkara by saying that Arshdeep Singh should not be left alive and then both the petitioner and Jeewan Singh opened an assault upon the victim Arshdeep Singh. They struck blows with



iron rod on the person of victim due to which he fell down. Still beatings were given to him. On rescue alarm being raised by the complainant and the victim, the assailants fled away. The victim was immediately rushed to the hospital and was in a critical condition. The motive behind the occurrence as disclosed by the complainant was that about one year back, a case was registered by the victim Arshdeep Singh against the petitioner and Jeewan Singh, as a quarrel had taken place between them and the petitioner had been exerting pressure upon the victim to effect compromise in the matter to which the latter was not agreeing. Initially, a case under Sections 323 and 307 read with Section 34 of IPC was registered. The victim succumbed to his injuries on 16.09.2023. Offence under Section 302 of IPC was added. Post mortem examination of dead body was conducted. Inquest proceedings were also conducted. The petitioner and co-accused were arrested. Investigation has since been completed and challan stands presented before the learned trial Court. The petitioner had moved an application for grant of bail before the learned trial Court which was dismissed on 03.06.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. The co-accused Jeewan Singh and Baljinder Singh who were also nominated as accused in this FIR on the basis of supplementary statement of the complainant as recorded on 23.06.2023 have been declared innocent on the basis of an inquiry conducted by the police and two other persons namely Amritpal and Gurmail Singh have been nominated as such. The victim had sustained injuries only on non-vital part of his body. The



complainant has since been examined and has not supported the prosecution version. There is no other evidence of the prosecution to connect the petitioner with the subject offences. He is in custody since long. His further detention would not serve any useful purpose. Therefore, it is argued that he deserves to be extended benefit of bail.

4. Status report has been filed by the respondent-State. Learned State counsel has argued that since the allegations against the petitioner are specific and serious in nature. Therefore, he does not deserve to be extended benefit of bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner along with co-accused is alleged to have opened an assault upon the victim on 09.06.2024 and is further alleged to have caused injuries to him with an intention to kill him. He had died due to the injuries allegedly sustained at the hands of the petitioner and co-accused. The petitioner has placed on record Annexure P-4 which is copy of sworn deposition of the complainant as recorded before the learned trial Court on 03.06.2024 and on a perusal of the same, it is revealed that he did not implicate the petitioner at all in the commission of subject offence and totally resiled from the prosecution version by saying that he did not even know under what circumstances the death of the victim had occurred and also stated that his thumb impressions were obtained by the police subsequently. As such, no incriminating evidence could be extracted from



the statement given by prosecution. Keeping in view the nature of evidence which has come on record in the form of testimony of the star witness of the case, the period of incarceration of the petitioner, coupled with the fact that no useful purpose would be served by keeping the petitioner in custody anymore, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

5th July, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |