



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

246

CRM-M No.31473 of 2024
Date of Decision: 19.10.2024

Atinder Pal alias Pannu ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rahul Sharma-I, Advocate,
for the petitioner.

Mr. Satjot Singh, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
89	31.03.2018	City Rajpura, District Patiala	302, 307, 325, 324, 323, 148, 149 and 427 of IPC

2. Adumbrated facts as emanating from the record are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Gurtej Singh alleging therein that on 31.03.2018, he along with one Sandeep Singh had gone to Khalsa Service Station, Sirhind Bypass, Patiala Road, Rajpura where accused Tota met them

2024:PHHC:137752



and started calling bad names. On the same evening, the said Tota through Sukhwinder Singh @ Sukha called the complainant to come to Khalsa service station for having some conversation. On his asking, the complainant along with Sukhwinder Singh, Sohan Singh, Lovepreet Singh, Sandeep Singh and Kamaljit Singh went to Khalsa Service Station. On reaching there, he found the petitioner and the co-accused to be present there along with 35-40 unknown persons. All of them were armed with weapons. On seeing the complainant and his companions, the petitioner and others at once opened an attack upon them. Accused Ashish @ Billa struck a blow with sword on the person of complainant with an intent to kill him thereby hitting left side of his cheek. Thereafter, petitioner and co-accused Tota struck blows with a kirch in the abdomen of Sandeep Singh and Sohan Singh. All of them encircled members of complainant party and extended injuries to them. Rescue alarm raised by them attracted other persons, on seeing whom, the assailants fled away from the spot after damaging the vehicles belonging to the complainant party. The injured were rushed to the hospital and were provided treatment. Injured Sohan Singh succumbed to the injuries sustained by him and died. Offence under Section 302 of IPC was added. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 14.04.2018. The co-accused were also arrested subsequently. A cross case has also been lodged against the complainant and his associates on complaint filed by the members of accused party. The trial is going on.

3. It is argued by learned counsel for the petitioner that he has

2024:PHHC:137752



been falsely implicated in this case. He is in custody since 14.04.2018. The co-accused Gurkirat Singh, Jaskaran Singh Bedi, Gurpreet Singh @ Tota and Ashish Kumar @ Billa have been extended benefit of regular bail. It is a case of version and cross version. Infact the members of the complainant party, were the aggressors and had opened an attack upon the petitioner and the co-accused at Khalsa Service Station. The petitioner has a permanent abode. There are no chances of his absconding. Only two witnesses have been examined so far. Trial is likely to take substantial time. His further detention would not serve any purpose. His case is at parity with that of the co-accused. With these broad submissions, it is urged that he deserves to be extended benefit of bail.

4. Status report has been filed. It is submitted therein and learned State counsel has argued that there are specific and serious allegations against the petitioner. The petitioner has criminal antecedents since as many as four other criminal cases have been registered against him and he has been convicted in two of them. The delay in trial of the case has occurred due to outbreak of Covid and due to the fact that some of the co-accused did not appear. Three of the co-accused namely, Gurwinder Singh, Gurkirat Singh and Jaskaran Singh who have been extended benefit of bail, have misused the concession of bail. They have absconded and are declared proclaimed persons. There are chances of petitioner's fleeing from prosecution if extended benefit of bail. There are serious allegations against the petitioner. Specific act has been attributed to him. Mere period of incarceration is not a ground to extend benefit of bail to the petitioner.

2024:PHHC:137752



Therefore, it is urged that the petition does not deserve to be allowed.

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

6. The petitioner along with the co-accused is alleged to have formed membership of an unlawful assembly and in prosecution of common object of that unlawful assembly, is alleged to have opened attack upon the complainant and the victims thereby causing simple and grievous injuries to them. The victim Sohan Singh succumbed to his injuries and had died whereas injuries on the person of other injured have been opined to be grievous in nature. No doubt, it is a case of version and cross version. However, it cannot be stated at this stage that the complainant party was the aggressor. Keeping in view the grave nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am inclined to hold that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

19.10.2024
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No