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291 IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM-M-33728-2023  
Date of decision: 5<sup>th</sup> February, 2024

Naveen Rana @ Naveen Kumar Rana  
...Petitioner(s)  
Versus  
State of Punjab  
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Mandeep Kumar Dhot, Advocate for the petitioner(s)  
Ms. Ruchika Sabherwal, DAG, Punjab  
for the respondent-State.  
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MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.  
seeking regular bail in FIR mentioned below:-

| FIR No. | Dated      | Police Station                                                | Sections                                                                                                              |
|---------|------------|---------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| 32      | 07.06.2022 | GRP Sangrur,<br>District Govt.<br>Railway Police<br>(Sangrur) | 307 and 354 of Indian<br>Penal Code, 1860 (For<br>short ‘the IPC’) (307 IPC<br>deleted and 302 IPC added<br>later on) |

2. Brief facts of the case relevant for the purpose of this petition are that the aforementioned FIR was registered on the basis of statement recorded by complainant-Baljeet Kaur alleging therein that on 07.06.2023, she along with her husband Harbabns Singh, son Navpreet Singh and maternal uncle of her husband namely Jagsir Singh had boarded a train from Sri Nanded Sahib and their destination was Barnala. When the train had departed from railway station, Sangrur, the petitioner who was travelling in the same train, touched the shoulder of the complainant with some bad intention. Seeing so, her husband resisted and at this, the petitioner started

extending beatings to her husband and threw him from the running train in

between the area of Bahadur Singh Wala, Dhuri. Someone pulled the chain of the train, due to which it stopped, the victim was rushed to hospital for treatment as he had sustained injuries but he died on 07.06.2022. The petitioner was however, apprehended at the railway station with the help of police officials. Statement of the complainant was recorded and initially, a case under Sections 307 and 354 of the IPC was registered. The petitioner was arrested. During the treatment, the victim had died on 07.06.2022 and thereafter, offence under Section 307 was deleted and offence under Section 302 of IPC was added. Inquest proceedings and the post-mortem examination of the dead body were conducted. After completion of necessary investigation and usual formalities, the challan was presented in the Court and presently, the petitioner is facing trial for commission of offence punishable under Section 302 of IPC. He had filed an application for grant of regular bail before the learned trial Court which had been dismissed.

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 complainant had not recorded his name at the first instance after the incident and it was only after making consultation with her relatives that she had recorded her statement thereby implicating him falsely in this case. It is further submitted that neither the complainant nor eye-witness Navpreet Singh who is son of the complainant, nor PW1-Jagsir Singh maternal uncle of the victim as well as the complainant had supported the prosecution version in their respective depositions as recorded before the Court and have exonerated of the charges as framed against him. It is argued that trial is likely to take time. His further detention would serve no purpose.

The victim had infact died as he was feeling suffocation and was standing

near the door of the train when his foot had slipped and that the petitioner

was not responsible either for the death of the victim nor he had outraged the modesty of the complainant. With these broad submissions, it is argued that the petitioner deserves to be extended benefit of bail.

4. The bail application has been resisted in terms of the status report. It is however, admitted that the complainant and the eye-witnesses have not supported the prosecution version.

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

6. As per the allegations, while traveling in a train which had left from Sri Nanded Sahib on 06.06.2022, the petitioner had tried to outrage the modesty of the complainant and when her husband had resisted the same, then he had started fighting with him under the influence of liquor and had then thrown him out of the train due to he sustained serious injuries leading to his death. The petitioner has placed on record Annexure P-2 which is copy of the statement of Jagsir singh (maternal uncle of the victim) as recorded before the learned trial Court saying that the victim had sustained injuries and died as he was standing towards the window. He was feeling suffocation and due to slipping of his foot he had fallen out of the train. He also did not support the version of the prosecution that the petitioner had tried to outrage the modesty of the complainant. The complainant Baljeet Kaur and her son Navpreet Singh who are the material witnesses of the case have also not supported the prosecution version. The petitioner is in custody since 07.06.2022. Keeping in view the nature of the evidence which has come on record in the form of statement of material witnesses, period of incarceration of the petitioner and the attendant facts and circumstances of the case, I am of the considered opinion that no useful purpose would be served by

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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

5<sup>th</sup> February, 2024  
Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable         | : | Yes / No |