



CRM-M-33417-2024

**235 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**CRM-M-33417-2024
Decided on : 04.11.2024

Babbu Singh Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAULPresent : Mr. Bachanpreet Singh, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

Status report by way of an affidavit of DSP, Sub Division Phul, District Bathinda filed on behalf of respondent No.1 in Court today, is taken on record subject to all just exceptions. Copy of the same has also been furnished to the counsel opposite.

Main case

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.46 dated 27.05.2021 under Sections 302, 326, 325, 324, 323, 427, 148, 149 IPC (Section 201 IPC added later on vide G.D. No.37 dated 08.02.2023) registered at Police Station Sadar Rampura District Bathinda.

2. Learned counsel for the petitioner submits that the FIR in question was lodged on 27.05.2021 by Harwinder Singh @ Coach



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(hereinafter referred to as deceased) himself wherein he levelled allegations against the co-accused, however, as far as petitioner is concerned, neither was he named in the FIR in question nor any role or injury attributed to him. It has been submitted that the petitioner came to be nominated much later i.e. 22.07.2021 in a supplementary statement recorded under Section 161 Cr.PC by the brother of the deceased, who alleged that the petitioner was the conspirator to the crime in question and was armed with a gandasa at the time of occurrence in question. However, even in the supplementary statement recorded by the brother of the deceased, no specific injury had been attributed to the petitioner much less on the person of the deceased. It has been further argued that a false and exaggerated version has been brought forth in the supplementary statement recorded by the brother of the deceased, which is evident from the fact that the occurrence in question allegedly took place on 26.05.2021 and the deceased expired on 06.07.2021. However, during the intervening period when the deceased was alive and very much conscious, he never made any supplementary statement with respect to the involvement of the petitioner in the crime in question. Learned counsel has also submitted that identically placed co-accused Jaswinder Singh, Khushi @ Jassa Sukhchain Singh and Gurpreet Singh @ Babbu have since been enlarged on bail. It has still further been submitted that since only six witnesses have been examined out of 56 cited, further incarceration of the petitioner, in the



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aforementioned facts and circumstances, would serve no useful purpose as trial would take considerable time to conclude.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from HC Harmanjeet Singh, has neither disputed the custody period of the petitioner nor has he disputed the stage of trial. However, it has been contended by the State counsel that the petitioner was part of the unlawful assembly and had actively participated in the occurrence in question.

4. On a pointed query put to the learned State counsel, he has not disputed that the FIR, which was lodged at the instance of the deceased himself, the petitioner was neither named nor attributed any role in the crime in question; furthermore, the deceased survived for two months after the alleged occurrence and during the said period, he did not suffer any supplementary statement qua the participation of the petitioner in the crime in question.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. It would be apposite to reproduce the contents of the FIR in question, which is as under:

"It is stated that I am resident of above mentioned address and do agriculture and also a Kabaddi Player. A few days ago, Gagna Singh and Babbu Singh sons of Gela Singh, resident of Chauke had picked up a cock from the house of my uncle Makhan Singh son of Kartar Singh. Due to which, my



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uncle Makhan Singh complained to Gela Singh. Due to that, Babbu Singh and Gagna Singh were keeping a grudge. I used to help my uncle Makhan Singh and due to that, I had an argument with Gagna Singh and Babbu Singh on 26.05.2021 and they had threatened me that they will see me. That at about 6/7 p.m. in the evening I along with my friend Satpal Singh son of Binder Singh, Jaswinder Singh @ Jassa son of Bant Singh, Hardeep Singh @ Deepi son of Teja Singh, Satnam Singh @ Kala son of Naib Singh, residents of Chauke were chatting while sitting at the motor of my friend Boota Singh son of Balwinder Singh, resident of Chauke situated at Pikho road. Gurjeet Singh son of Binder Singh armed with Gandasa, Babbu Singh son of Gela Singh armed with Dang, Gagna Singh son of Gela Singh armed with Kirpan, Sippu Singh son of Binder Singh armed with baseball and Keepa Singh son of Darshan Singh armed with pistol, all residents of Chauke, reached in the field and started raising lalkaras. Boota Singh and Satnam Singh ran away from the spot due to fear. And the above mentioned persons started beating us as soon as they reached there. Keepa Singh pointed his pistol towards me, Gurjeet Singh gave Gandasa blow upon my right leg below the knee and I fell down. While I was lying down, Sippu Singh hit baseball blow upon my left leg; Babbu Singh hit dang blow on my left hand. Thereafter, Gurjeet Singh gave blow on left shoulder with the reverse side of Gandasa. When Jaswinder Singh, Hardeep Singh and Satpal Singh came forward to save me, Gurjit Singh gave kirpan blow on left hand and reverse Gandasa blow on right leg of Satpal



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Singh, Seepu Singh gave baseball blow upon his left knee and thereafter Gurjeet Singh gave gandas blow on left leg ankle of Satpal. Thereafter, the above-stated persons gave injuries to Hardeep Singh with their respective weapons on his left arm, right knee, backside of head, left arm and right hand. Gurdeep Singh gave gandas blow on left arm of Jaswinder Singh @ Jassa, Babbu Singh gave dang blow on head, Seepu Singh gave baseball blow on backside of head and Babbu Singh gave dang blow. Thereafter, Boota Singh and Satnam Singh raised hue and cry while standing at distance and we also raised hue and cry. 15/20 unknown persons were also behind them, who had raised lalkaras. When we raised hue and cry, all the above persons fled away from the spot along with their respective weapons and while fleeing away, they had damaged my motorcycle without number make CT100, motorcycle of Satpal Singh's make CT100, motorcycle of Jaswinder Singh @ Jassa make Splendor of silver colour and field owner Boota Singh's motorcycle make CD DOWN bearing No.9751 by hitting these with dangs. Thereafter, our relatives had got us all admitted at Civil Hospital, Rampura after arranging the vehicle where we are undergoing treatment. The cause of grudge is that I had an argument during day time with Babbu, Gagna sons of Gela Singh, residents of Chauka in respect of cock and due to this, the above mentioned persons have inflicted injuries to us. Legal action be taken against them. I have got recorded the statement, heard and is correct. Sd/-"



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7. The petitioner has been in custody since 08.02.2023. Furthermore, no specific role or injury has been attributed to the petitioner in the crime in question other than he being nominated as an accused in a supplementary statement suffered by Jaswinder Singh, alleged eyewitness and that too after the death of the author of the FIR i.e. deceased himself.

8. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

04.11.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No