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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CRM-M-34477-2023 (O&M).  
Date of Decision: 12.09.2024.

RASHPAL SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Brijesh Nandan, Advocate,  
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. Vikas Gupta, Advocate, for the complainant.

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VINOD S. BHARDWAJ. J (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, for the grant of regular bail in FIR bearing No.71 dated 28.05.2021, registered under Sections 307, 506, 148 and 149 of the Indian Penal Code, 1860 (Section 302 and 452 IPC added vide DDR No.21 dated 10.06.2021, Section 212 IPC added vide DDR No.20 dated 14.06.2021 and Section 323 IPC added vide DDR No.22 dated 11.07.2021) at Police Station Sirhali, District Tarn Taran, Punjab.

2           The FIR in question was registered on the statement of Gurmit Singh son of Mann Singh on 28.05.2021 regarding the occurrence dated 27.05.2021 to the effect that at about 9:30A.M., he along with his younger brother Kuldeep Singh (since deceased) was

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coming from the Baithak of Ex-Sarpanch Swaran Singh and reached outside the gate of their house. Gurjant Singh son of Sukhdev Singh armed with dang, Gurwinder Singh son of Sawinder Singh armed with dang, Rashpal Singh son of Sukhdev Singh armed with 12 DBBL, Angrej Singh, son of Desa Singh armed with Dang, Manjit Singh son of Santokh Singh armed with Dang, Jaswinder Singh son of Jagir Singh armed with Kirpan, Daler Singh son of Samma Singh armed with Dang, Sukhchain Singh son of Desa Singh armed with Dang, Harsimaran Singh son of Avtar Singh armed with Dang, Desa Singh son of Ajit Singh armed with Dang, Sawinder Singh son of Ajit Singh armed with Dang, Sukhdev Singh son of Ajit Singh armed with Dang, Gurwinder Singh son of Jaswinder Singh armed with Dang and Gurpreet Singh son of Dilbag Singh, armed with Dang, were already present there. Rashpal Singh raised Lalkara to catch hold Kuldeep Singh and to teach him a lesson for stealing the electricity wires. Gurwinder Singh, Gurjant Singh, Angrej Singh, Manjit Singh and Daler Singh started giving dang blows on the head of Kuldeep Singh, who fell down. As the complainant came forward to rescue Kuldeep Singh, Sukhchain Singh and Sukhdev Singh gave dang blows to the complainant. Rashpal Singh hit the DBBL rifle on the neck of Kuldeep Singh and Jaswinder Singh gave kick blows to Kuldeep Singh. Sawinder Singh also gave dang blow to the complainant and complainant fell down. The other assailants also gave dang blows to the brother of the complainant, whereas Gurwinder Singh and Gurpreet Singh dragged the complainant and his brother. Due to the impact of the

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injuries, Kuldeep Singh became unconscious at the spot. As the complainant raised a hue and cry, all the assistants fled away with their respective weapons. Injured Kuldeep Singh was rushed to Civil Hospital, Tarn Taran, from where he was referred to Amritsar. Later, during the course of treatment, Kuldeep Singh succumbed to his injuries and offence under Section 302 IPC was added in the FIR vide DDR No.21 dated 10.06.2021.

3            Learned counsel appearing on behalf of the petitioner contends that the role attributed to the petitioner is of raising a Lalkara and a purported blow with DBBL rifle on the neck of deceased Kuldeep Singh. He submits that the aforesaid injury is, however, not supported from the medical record and thus the ocular version does not stand corroborated from the medical evidence. He submits that the petitioner is in custody since 08.06.2022 and has already undergone an actual custody for a period of 02 years, 03 months and 03 days. He submits that the petitioner is not involved in any other case and has no criminal antecedents. Besides the trial is at an initial stage and is not likely to conclude in near future.

4            Learned State counsel as well as the learned counsel for the complainant, on the other hand, vehemently contend that the involvement of the petitioner in the commission of the offence resulting in death of Kuldeep Singh stands duly established. They, however, submit that no evidence has been recorded so far, a claim which is

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disputed by the counsel for the petitioner who contends that after framing of charge, only one witness has been examined. Learned State counsel is not in a situation to dispute that the petitioner does not have any criminal antecedents.

5           I have heard the learned counsel for the parties and have gone through the documents appended along with the present case.

6           Taking into consideration the submissions noticed above, the role attributed to the petitioner, the period of custody already undergone by the petitioner and lack of criminal antecedents and also the fact that the conclusion of trial will take sufficiently long time, I deem it appropriate to allow the present petition. The petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

7           It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

8           The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

September 12, 2024  
*raj arora*

(VINOD S. BHARDWAJ)  
JUDGE

Whether speaking/reasoned :  
Whether reportable :

Yes/No  
Yes/No