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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-6902-2024 in/and
CRM-M-35285-2023
Date of Decision: 28.02.2024

Sikander Singh ...Petitioner
vs.
State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Vishal Deep Goyal, Advocate
for the petitioner.

Mr. M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

CRM-6902-2024

1. Application is allowed as prayed for. Annexures P-3 to P-5 are taken on record.

CRM-M-35285-2023

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.40 dated 06.04.2022 registered under Section 302 of IPC (Section 458 of IPC added later on), at Police Station City-1, Sangrur, District Sangrur.

2. The FIR in the present case was registered on the basis of the statement made by Charanpal Singh son of Sajjan Singh and the same has been reproduced below:-

“Statement of Charanpal Singh son of Sajjan Singh, resident of Lindra, Police Station Longowal, aged about 50 years, Mobile Phone No. 98723-86881. Stated that I am resident of abovesaid address and doing agricultural work. We are two brothers and two sisters. Our father Sajjan Singh aged 84 years son of Dalip Singh, who is retired from Government Primary School, Village Changaal as Master about 24 years ago. I am permanently residing in the village and my father alongwith my mother Malkeet Kaur were residing in the house constructed at our Preet Nagar, Hareri Road, Street No.1. My mother Malkeet Kaur had died about 12 years ago. My father Sajjan Singh kept Amarjit Kaur alias Baby wife of Balvir Singh, resident of Ghumiar Basti, Sangrur from about 12/13 years for providing meals and now from about 3 years, Amarjit Kaur alias Baby was permanently residing with my father. I and my family often used to visit the house of my father to meet him and used to stay there at night. My father had kept a cow in his house for milk and my father had kept Sikander Singh son of Parkash Chand, resident of Ajit Nagar, Sangrur as servant for taking care, who used to take meal in the house of my father. Sikander Singh used to keep bad eye on servant Amarjit Kaur alias Baby kept by my father, due to which, my father on various occasion stopped him. On many a times, a minor altercation took place between him and my father. Yesterday on 05.04.2022, I had come to Preet Nagar Sangrur to meet my father and stayed with my father in night. I and my father Sajjan Singh after taking meals went in the room to sleep. Then at about 11.30 P.M., electricity bulb was on, which was installed outside the room of our house and servant Sikander Singh, who was kept by my father entered the house after scaling the wall. He woke up my father by calling him. When I and my father Sajjan Singh came out in courtyard from the room, then Sikander Singh, who had consumed liquor and blood was oozing from his right hand and he was armed with iron axe, started giving abuses to my father and was saying to my father that

as to who is he to stop him from talking with Amarjit Kaur alias Baby. Today he will remove obstacle from the way. Sikander Singh gave axe blow towards my father and axe from backside hit on the right side of head of my father and my father fell down on the ground. Thereafter, Sikander Singh gave four axe blows on his both eyes, face and on left & right side of forehead and below eyes. I raised alarm to save and not to kill. Then Sikander Singh with his axe ran away from the house after opening the main gate of the house. Thereafter, I made a telephonic call at my home at village Lidra and called my son and after arranging conveyance got admitted my father at Civil Hospital Sangrur where due to critical condition of my father, he was referred to Rajinder Hospital Patiala. Before reaching Rajinder Hospital, my father had died. Motive is this that my father has kept Amarjit Kaur alias Baby for preparing meals and Sikander Singh was having bad eye upon her, to whom my father used to stop from doing so. Due to this reason, Sikander Singh has committed murder of my father with axe. Today, after leaving my son Manjinder Singh near dead body of my father at Mortuary of Rajindra Hospital Patiala, I alongwith Jaspal Singh Sarpanch of our village came to Police Station City-1 Sangrur to give information to you. I got recorded my statement before you, heard and is correct. Appropriate legal action may kindly be taken against Sikander Singh. Sd/- Charanpal Singh.”

3. Learned counsel for the petitioner contends that in fact, the version of the complainant in the present case is highly improbable and unbelievable. In fact, the petitioner was serving Sajjan Singh (since deceased), during his life time and was residing with him. Even Sajjan Singh (since deceased) was taking care of all the basic needs of the petitioner and both were enjoying cordial relations. At about 10.30/11.00 p.m. on 05.04.2022, the petitioner heard the loud voice of Sajjan Singh, who was raising hue and cry to save him. The

petitioner also went inside the house and found that a person with muffled face had caused injuries to Sajjan Singh. The said accused also caused injuries to the petitioner, which is apparent from the MLR (Annexure P-3). Learned counsel further contends that the petitioner shifted Sajjan Singh, injured with the help of the villagers to the hospital, where the MLR of Sajjan Singh as well as the petitioner were prepared by the concerned doctor. Even the petitioner had informed Charanpal Singh, complainant by making a telephonic call. He further contends that the petitioner had moved an application before the trial Court to preserve the call details of the petitioner to substantiate the aforesaid arguments. He next contends that the petitioner was arrested in the present case under the influence of the complainant on 06.04.2022 and is in custody since then. He further contends that the entire case hinges on the testimonies of the complainant Charanpal Singh and other official witnesses and he is not in a position to influence the witnesses of the prosecution.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is the main accused, who had caused injuries to the deceased.

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

6. The petitioner is in custody for the last about 01 year and 11 months in the present case. However, the prosecution has been able to examine only one witness, out of total 17 witnesses and the prosecution may take considerable time in concluding the trial. Still further, in the present case, the petitioner had also suffered injuries, which is clear from the MLR (Annexure P-3). Apart from that, the prosecution has not been able to produce any evidence

to show that the petitioner is in a position to influence the witnesses of the prosecution, in the present case.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

28.02.2024.
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(N.S.SHEKHAWAT)
JUDGE

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