



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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1. CRM-M No.35115 of 2024 (O&M)
Date of decision: November 14th, 2024
Mandeep Singh alias Bhoda

.....Petitioner

Versus

State of Punjab
.....Respondent

2. CRM-M No.36312 of 2024 (O&M)
Narinder Kumar alias Nindi

.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vinod Ghai, Senior Advocate
with Mr. Arnav Ghai and Mr. Kashish Sahni, Advocates
for the petitioner (in CRM-M-35115-2024).

Mr. R.S. Rai, Senior Advocate
with Mr. Anurag Arora, Advocate
for the petitioner (in CRM-M-36312-2024).

Mr. Mohit Kapoor, Senior Deputy Advocate General, Punjab.

Mr. Amit Jhanji, Senior Advocate
with Mr. Sushant S. Sharma, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

This order shall dispose of the above-mentioned petitions for
grant of regular bail to the petitioners, as they arise out of same FIR i.e.
FIR No.30 dated 22.03.2023 under Sections 302, 323, 148, 149,
(Sections 148, 149 deleted and Sections 34, 427, 120-B added later on) of
the IPC registered at Police Station Nangal, District Rupnagar.

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For the sake of convenience, the facts are being taken from CRM-M-36312-2024.

2. Learned senior counsel for the petitioners have placed on record certain documents, which have been taken on record subject to just exceptions. Registry is directed to place the same at appropriate place of the file.

3. Learned senior counsel for the petitioners, while drawing the attention of the Court to the FIR, which has been annexed as Annexure P-1, have submitted that allegedly on 22.03.2023, while SHO Danishvir Singh and ASI Mehar Singh etc., were at patrol at NFL Chowk, the complainant approached them and gave a statement, leading to the registration of the FIR on 22.03.2023 at 6:30 AM. As per the allegations in the FIR, the complainant, along with, Deepak Kumar (an injured witness and Anil, driver of the complainant), had gone to his land at Taraf Majri, after receiving a call that the petitioners, accompanied by 7-8 other persons, were dismantling barbed wire on his property. Allegedly, the petitioners then rammed their Fortuner car into the Land Cruiser of the complainant and inflicted injury on the head of his driver Anil, leading to his death. It was stated by the complainant that he witnessed the entire occurrence, before fleeing away from the spot, and later learnt that his driver Anil had been done to death by the petitioners.

4. Learned senior counsel have argued that the account given by the complainant in the FIR in question is demonstrably false,

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asserting that CCTV footage and photographs retrieved from Civil Hospital, Nurpur Bedi, where the deceased was taken after the occurrence in question, reveal the true circumstances and negate the claims made by the prosecution, which the investigating agency inexplicably disregarded, for reasons best known to them.

5. It has been further argued by the learned senior counsel that the CCTV footage, annexed as Annexure P-7, of the Civil Hospital, Nurpur Bedi, unequivocally shows that it was the petitioners, who brought the deceased to the hospital at 11:49 PM on 21.03.2023. Subsequently, the complainant along with allegedly injured witness Deepak, arrived at 12:36 AM on 22.03.2023, followed by ASI Mehar Singh at 1:11 AM and SHO Danishvir Singh at 1:33. AM. The complainant and SHO Danishvir Singh were captured on CCTV standing together in the hospital parking lot at 1:33 AM. At 1:45 AM, the body of the deceased was moved from the hospital, and by 2:30 AM, the dead body was handed over to ASI Mehar Singh. Learned counsel submits that all these facts stand substantiated by the hospital records annexed as Annexure P-4.

6. It has been further argued by the learned senior counsel that the claim by the complainant of fleeing away from the scene of crime after being attacked and later learning about the death of his driver Anil (hereinafter referred to as 'deceased') is contradicted by his own presence at the Civil Hospital, Nurpur Bedi, at 1:13 AM. It has been vehemently asserted that it is highly improbable that once by

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1:30 AM, SHO Danishvir Singh, ASI Mehar Singh, and the complainant were all present in Civil Hospital, Nurpur Bedi, and visibly conversing with each other at the hospital, yet the complainant chose not to report about the incident until approaching the police patrol party at 5:00 AM on the following morning at NFL Chowk. Furthermore, ASI Mehar Singh and SHO Danishvir Singh, who were stated to be part of the patrol party as per the contents of the FIR itself, were evidently present at Civil Hospital, Nurpur Bedi, hours before the FIR in question was registered. Learned senior counsel have argued that all these facts find due corroboration from the CCTV footage, which has been retrieved from the Civil Hospital, Nurpur Bedi itself, showing all the police officials, complainant and injured-Deepak visibly interacting with each other.

7. Learned senior counsel have also highlighted to certain additional discrepancies, with respect to injured witness Deepak, who was allegedly attacked by the petitioners. It has been submitted that injured-Deepak too was clearly visible in the CCTV footage of Civil Hospital, Nurpur Bedi, and that too in an uninjured condition at 12:36 AM soon after the alleged occurrence. However, strangely he later travelled to Civil Hospital, Nangal, 45 minutes away, to undergo a medical examination at 7:20 AM in the morning. In support, learned senior counsel have drawn the attention of this Court to the photographs, wherein injured witness-Deepak is clearly seen interacting with the complainant and others without any visible injuries on his



person. It has further been argued by the learned senior counsel that even otherwise, as per the Medico Legal Report of injured witness Deepak, it was reported that there was a minor swelling and a bruise on his person, which clearly undermined the narrative of the complainant that the petitioners had inflicted serious injuries on the person of injured Deepak. In support, learned senior counsel have drawn the attention of this Court to the MLR of Deepak annexed as Annexure P-11.

8. Learned senior counsel have still further contended that the motive behind the false implication of the petitioners is evident in the present case as it is a matter of record that the complainant is involved in illegal mining activities, for which several cases stand registered against him;. he operates multiple businesses of stone crushers and has already been arrested in some of the cases registered against him. On the intervening night of 21/22.03.2023, it was the petitioners, who had informed the authorities of the illegal mining operations being carried out by the complainant at Village Bhalaan, which stands substantiated by the multiple telephone calls made by the petitioners to the Mining Officers, which then in turn led to the subsequent filing of a case against the complainant under the Mines and Minerals Act. In support, the call record details of the petitioners have been placed on record by the learned senior counsel. It has been argued that the entire incident, in fact, took place at Village Bhalaan, where the vehicle of the complainant himself struck deceased Anil, while attempting to flee

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from a raid carried out by the Mining Officer. Learned senior counsel submits that the medical ruqa of the deceased, which has been placed on record today in the Court also confirms that the occurrence in question had taken place at Village Bhalaan, which clearly contradicts the claim made by the complainant that the occurrence had taken place at Taraf Majri. Additionally, it has been asserted that the ruqas of Bahadur Singh and Deepak, who were purportedly injured in the occurrence in question, also clearly point out that the occurrence had taken place in Village Bhalaan, further discrediting the allegations levelled in the FIR in question.

9. Learned senior counsel have, therefore, vehemently argued that in the light of the aforementioned glaring inconsistencies and the gaping holes in the case, as is being projected by the prosecution, the petitioners, who have been in custody since 23.03.2023, deserve to be enlarged on bail, more so when the investigation in the present case is complete, challan stands presented and charges also framed, coupled with the fact that as many as 29 witnesses have been cited by the prosecution. Hence, the trial would take considerable time to conclude.

10. Learned State counsel assisted by learned senior counsel for the complainant has not disputed that the deceased had been brought to the Civil Hospital, Nurgur Bedi, by none other than the petitioners, and that prior to the registration of the FIR in question at 6:30 AM on 22.03.2023, the petitioners, along with the complainant, injured witness

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Deepak, SHO Danishvir Singh and ASI Mehar Singh, were all present at the hospital between 1:00 AM to 2:00 AM, soon after the incident in question. Learned counsel have also not disputed that the medical examination of injured witness Deepak, was not conducted at Civil Hospital, Nurpur Bedi, even though the CCTV footage of the hospital clearly showed him in a fit condition moving around in the hospital. Instead, the MLR of injured Deepak was done at Civil Hospital, Nangal, which is 40 minutes away from Civil Hospital, Nurpur Bedi, at 7:40 AM in the morning. Furthermore, learned counsel for the State as well as learned senior counsel for the complainant have not been able to controvert that the medical ruqa of the deceased was sent from Civil Hospital, Nurpur Bedi, at 1:05 AM i.e. prior to the ruqa sent by the police patrol party at 5:00 AM, wherein the place of occurrence has been stated to be at Village Bhalaan.

11. However, learned State counsel as well as the senior counsel for the complainant have contended that regardless of the above undisputed facts, the core fact remains that in the incident in question, the driver of the complainant lost his life due to injuries inflicted by the petitioners, who struck their vehicle against the complainant party. Additionally, it has been submitted that the petitioners also inflicted blow on the head of the deceased, which finds due corroboration from the post-mortem report, which has been annexed as Annexure P-27. Learned senior counsel for the complainant has argued that all the assertions made by the learned senior counsel for the petitioners, at best constitute

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their defence, which would be evaluated only when evidence is led during trial before the trial Court. At this preliminary stage, the primary consideration should be only whether a *prima facie* case is made out against the petitioners or not, especially in the light of serious allegations of causing the death of the deceased. Learned senior counsel for the complainant has further argued that merely because the complainant has been booked in some cases under the Mines and Minerals Act and the place of occurrence was shown to be Village Bhalaan, it cannot be presumed that the complainant has fabricated a false case against the petitioners. A prayer has, therefore, been made for dismissal of the instant petition.

12. I have heard learned counsel for the parties and perused the relevant material on record.

13. As per the allegations levelled in the FIR in question annexed as Annexure P-1, the petitioners are alleged to have inflicted injuries on the complainant and his associates, including the driver of the complainant, Anil (deceased). Allegedly, the petitioners struck the deceased with their Fortuner car, ultimately leading to his death. However, it remains undisputed that it was the petitioners, who brought the deceased to the hospital after the incident in question; furthermore, despite the presence of the complainant, the injured witness and SHO Danishvir Singh and ASI Mehar Singh (who were later listed as part of the police patrol team that recorded the FIR), no complaint was lodged by the complainant with the police officials at the Civil Hospital,

Nurpur Bedi. Instead, the FIR in question was registered only at 6:30



AM at NFL Chowk, where the same police officials, who were present at Civil Hospital, Nurpur Bedi, were later shown to be part of the police patrol party.

14. Learned State counsel as well as the senior counsel for the complainant have not contested the contents of the CCTV footage/photographs retrieved from the Civil Hospital, Nurpur Bedi. Learned State counsel, on instructions, has also not disputed the custody period of the petitioners as well as the stage of trial.

15. Without delving into the merits of the case, this Court, in view of the facts and circumstances as enumerated hereinabove and some facts, which have been uncontroverted by even the State counsel and the senior counsel for the complainant, deems it appropriate to extend the concession of bail to the petitioners. Accordingly, the instant petition is allowed. The petitioners be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned.

16. 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.

November 14th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned

:

Yes

Whether reportable

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No