

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.35460 of 2024
Reserved on: 02.08.2024
Pronounced on: 30.08.2024

Mani Singh @ Nikku ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Imaan Singh Khara, Advocate
for the petitioner.

Mr. Sukhdev Singh, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
157	19.11.2022	Raman, District Bathinda, Punjab	302, 323 and 34 IPC (Section 325 IPC added later on)

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 18 of the bail petition, the accused declares that he has no criminal antecedents.
3. Facts of the case are being taken from reply dated 01.08.2024 as per which on dated 19.11.2022, information was received from DCR, Bathinda that Krishan Singh son of Balveer Singh admitted into Civil Hospital, Bathinda due to suffering injuries in a fight and Rinku Sham Son of Radhe resident of Raman died due to suffering injuries in the fight whose dead body is lying the Mortuary of Civil Hospital, Bathinda. On receipt of this information, the concerned Inspector along with SI visited Civil Hospital, Bathinda where they obtained medical record pertaining to injured-Krishan Singh, the attending doctor also told the Investigator that the patient has been referred to Higher Centre as per the record. In the hospital, the relative of the injured met the Investigator and statement of one Tinku Ram was recorded which reads as follow:

“Statement of Tinku Sham Son of Radhe Sham Son of Heera Lal resident of Village Laleana, aged about 24 years. Mobile No 75894-04759 stated that I am a

resident of the above said address and doing work as a mason. We are three brothers. The eldest is Sonu Kumar, younger to his is Rinku Kumar, aged about 27 years and I am the youngest My brother Rinka Kumar was also doing the work of mason. On dated 18.11.2022, I along with my brother Rinku Kumar, both came to Raman Mandi on a motorcycle. After doing the work, both of us started eating eggs at a stall in front of Government Senior Secondary Girls School, Raman Mandi, then Krishan Singh Son of Balveer Singh resident of Bangi Nihal Singh Wala, who also works as a mason with us, came there. While all three were having talks, meanwhile, the time would be around 7 o'clock in the evening, there Sukhdeep Singh alias Solki alias Babbu Son of Makhan Singh and Mani Singh alias Nikku Son of Makhan Singh both residents of Bangi Nihal Singh Wala, came on motorcycle, who were armed with iron rods and stopped near us. Then Mani Singh alias Nikku on just reaching there said that, Babbu, let them teach a lesson of having fight with us today. On saying this, Sukhdeep Singh alias Solki above said attacked with his rod on the head of my brother Rinku, due to which my brother Rinku fell down and when my brother Rinku Kumar was on ground then Sukhdeep Singh also inflicted more injuries with rod upon his head. When Krishan Singh and I came forward to rescue him, then Mani Singh alias Nikku above said inflicted injuries upon Krishan Singh When we made hue and cry then on seeing the gathering of people, both of them ran away from the spot on their motorcycle along with their weapons. Then from the spot, members of Helpline Club, took my brother and Krishan Singh in an ambulance to Civil Hospital, Bathinda, where on reaching in the Civil Hospital, my brother Rinku Kumar died. We got his dead body deposited into mortuary of Civil Hospital. The motive behind the occurrence is that a few days ago, Sukhdeep Singh alias Solki and Mani Singh alias Nikku had a minor fight with my brother and only due to that grudge. Sukhdeep Singh alias Solki and Mani Singh alias Nikku above said killed my brother Rinku Kumar by causing injuries and caused injuries to Krishan Kumar. The dead body of my brother Rinku Kumar is lying in the mortuary of Civil Hospital, Bathinda. Legal action be taken. Statement is recorded to you, heard and it is correct."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. Petitioner's counsel submits that no injury received by the deceased-Rinku was attributed to the petitioner and the injury which Rinku Kumar had received was attributed to co-accused Sukhvir Singh, as such, has committed no offence. The petitioner's counsel further submits that the only injury attributed to the petitioner were given to Krishan Singh which was simple in nature and not dangerous to life, as such, he should not be denied bail. The petitioner's counsel next argument is that there is delay of 18 hours in giving information to the police officials.

5. The State opposes bail and submits that the complainant had explicitly named Mani Singh @ Nikku-the petitioner, and even injured had named him. The defence is not called for causing individual injuries but for giving beatings to the deceased and Krishan Singh with common intention to kill both of them. However, due to that act, Rinku died of

the injuries and Krishan Singh also received serious injuries.

6. An analysis of the abovesaid arguments would lead to the following outcome. The petitioner was named by the complainant as one of the assailants. The accused and his accomplices had jointly attacked with common intention to cause injuries and to cause murder whereas the injuries caused is apparent on the face of the nature of the attack. The cause of death being result of the injuries suffered at the hands of the accused cannot be prima facie disputed. The petitioner was attributed iron rod and accompanied by his accomplices and there is no explanation that he did not share common intention with the other co-accused. Further, a perusal of the bail petition and the documents attached, prima facie points towards the petitioner's involvement and does not make out a case for bail. Any further discussions are likely to prejudice the petitioner; this court refrains from doing so.

7. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

8. **Petition dismissed.** Interim orders, if any, are recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Sonia Puri

Whether speaking/reasoned: Yes
Whether reportable: No.