

2024:PHHC:130957



226.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35842-2024

Date of decision: 30.09.2024

Jagdeep Singh @ Deepu

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. P.K.S. Phoolka, Advocate, for the petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

GURBIR SINGH, J.

1. This petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.213, dated 12.08.2018, registered under Sections 307, 324, 34 of IPC at Police Station Talwandi Sabo, District Bathinda.

2. The aforesaid FIR was registered on the statement of Babu Singh with the following allegations:-

“..... that I am resident of above said address and I am old age person and doing the work of grazing animals with my family and I have three sons and one daughter, all are married, my three sons are living separately, and my wife Harbans Kaur are living separately then on dated 07.08.2018 at night I after taking meals was sleeping on the cot in the street then at about 9.30 our neighbors Gora Singh son of

Jangir Singh, Jagdish Singh @ Disha, Deepu sons of Gora Singh gave injuries to me, Gora Singh held me from my feet, Deepu have caught hold from my head, Jagdish Singh Disha gave three kirch blows, the blows hit on my left side and one blow hit on my left arm and two on the left side of the stomach and below the under arm, I raised raula then my brother Gurmail Singh and my son Kuldeep Singh reached on the spot, seeing them Gora Singh, Deepu Singh, Jagdish Singh @ Disha and all other persons ran away from the spot along with the respective weapons, then hearing the noise people gathered there and thereafter arranged the vehicle I got admitted in the civil hospital at Talwandi Sabo, my son Kulwant Singh got me admitted in the hospital, motive is that they got suspicious that my grandson Ranjit Singh Allo son of Kulwant Singh is having illicit relation with the wife of Deepu Singh son of Gora Singh. That due to this reason the accused persons gave injuries to me while I was lying on the cot and apart from this they do not have any other dispute. I was referred from Talwandi Sabo to Bathinda and Bathinda to Faridkot Hospital for treatment. Where I am under treatment, Gora Singh, Jagdish Singh Disha and Deepu gave injuries to me. Legal action may kindly be taken against them.”

3. Learned counsel for the petitioner has argued that the petitioner has no concern with the alleged occurrence. It is due to old grudge, petitioner has been falsely implicated in this case. It is contended that initially, the FIR was registered under Sections 324 and 34 of IPC and the offence was bailable, however, vide rapat No.35, dated 25.01.2024, the offence under Section 307 IPC was also added. Petitioner is in custody

since 25.01.2024. No injury has been attributed to him. The only allegation against the petitioner is that he caught hold the complainant from head. The main allegation is against co-accused Jagdish Singh Disha who gave kirch blow in the stomach of the complainant. Petitioner is not involved in any other case.

4. Pursuant to order dated 01.08.2024, status report by way of affidavit dated 18.09.2024 of Ishan Singla, P.P.S., Deputy Superintendent of Police, Sub-Division Talwandi Sabo, District Bathinda, on behalf of respondent-State, has been filed in Court today (on 19.09.2024, the case was taken up for hearing), which is taken on record. Learned State counsel submits that after the opinion of the doctor, the offence under Section 307 of IPC was added and the petitioner was arrested. All the three injuries on the person of complainant were dangerous to life. After investigation, challan in the case has been presented on 30.01.2024. Considering the allegation, learned State counsel has opposed the bail to the petitioner, however, she has fairly submitted that no other case is pending against the petitioner.

5. I have heard the submissions of learned counsel for the parties.

6. The occurrence took place on 07.08.2018 and initially, the FIR, in question, was registered under Sections 324 and 34 of IPC and said offence was bailable. On asking, learned State counsel submits that challan in the case was not presented, pending investigation, an application dated 16.01.2024 was moved to the SMO, Sub Divisional Hospital, Talwandi

Sabo for getting the opinion. The same day, board was constituted and opinion dated 25.01.2024 was received and injuries No.1 to 3 were declared dangerous to life and thereafter, DDR No.35, dated 25.01.2024 was recorded and Section 307 of IPC was added.

7. Considering the fact that petitioner is in custody since 25.01.2024, challan in the case has been presented after more than 5 years, culpability of the petitioner would be determined during trial, this Court deems it appropriate to release the petitioner on regular bail.

8. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of concerned learned trial Court/Chief Judicial Magistrate/Duty Magistrate, with the further condition that he shall get his mobile number registered in the trial Court for receiving messages on CIS system and shall not change his mobile number during the pendency of the case. He shall also furnish his residential address to the trial Court as well as to the concerned police station and shall not change his residence without intimation to the concerned court. The court concerned may impose any other condition as it deems fit. In case of default, the trial Court is free to cancel the bail granted to the petitioner.

9. However, before parting with this order, the lackadaisical attitude of the Investigating Officers is required to be brought attention of the higher authorities. The FIR was registered in this case on 12.08.2018.

The medico legal report was with the Investigating Officer but the investigation was kept pending and was never finalized. After about more than 5 years, an application was moved for getting the opinion of the doctor. The opinion of doctor was obtained and DDR was recorded and immediately, thereafter, challan was presented, which shows that no higher authority has ever asked the Investigating Officer/SHO concerned why the investigation was being delayed. It is well known that meetings regarding crime in the district are held by the concerned SSP frequently, but why this case was not discussed and why any direction was not passed itself speaks about the working of the police in the State of Punjab.

9.1 A thorough inquiry is required to be conducted at the level of Inspector General of Police and to take action against the Investigating Officers who failed to complete the investigation and kept the same at their whims and fancies. The role of senior officers is required to be inquired into. So, the matter is referred to the Director General of Police, Punjab to appoint an Inquiry Officer, inquire into the matter and take action against the guilty officials and send action taken report to this Court on or before 11.11.2024.

(GURBIR SINGH)
JUDGE

September 30, 2024
sanjeev

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