



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-46173-2024

Date of decision: 20.09.2024

Kuldeep

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Davinder Singh, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

Mr. Deepak Basatia, Advocate (through VC)
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (third) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.54 dated 27.02.2022 under Sections 302, 120-B, 148, 149, 323, 325 of the IPC and Section 25 of the Arms Act, 1959 (added lateron) registered at Police Station Chhachhrauli, District Yamuna Nagar.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 03.03.2022; all the material witnesses including the complainant (wife of the deceased) and Deepak Kumar (stamped witness) stand examined, hence, his further incarceration would serve no useful purpose as 21 prosecution witnesses still remain to be examined. It has further been argued by



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learned counsel that even otherwise a perusal of the allegations levelled in the FIR which has been annexed as Annexure P-1 reveals that firstly, the petitioner has not been named therein and secondly, even as per the case of the prosecution although the petitioner was armed with a stick, he did not inflict any injury on the person of the deceased, much less fatal; fatal injuries were inflicted with a knife by co-accused Sunny on the abdomen of the deceased. Learned counsel has, thus, prayed for being enlarged on bail moreso when he has no criminal antecedents and there can now be no apprehension of the petitioner trying to influence/intimidate the witnesses.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not been able to dispute the custody period of the petitioner and the stage of trial. Learned State counsel on further instructions has also not disputed the factual aspect of the role attributed to the petitioner i.e. of having inflicted injuries only on the person of injured Deepak Kumar, who has since been examined before the learned Trial Court. However, learned State counsel has reiterated the allegations levelled against the accused in the FIR which stands reproduced hereinunder:-

“Contents of the writing are as under: Statement of Kulwinder Kaur wife of Gurvinder Singh alias Sunny Village Balauli Police Station Chhachhrauli, District Yamuna Nagar, aged 35 years, Mob. 9671010667. It is stated that I am resident of the aforesaid address and do household work. I have a daughter aged 13 years and a son aged 11 years. On 26.02.2022 at about 8.30 P.M. my husband Gurvinder Singh Sunny son of Kashmir Singh, caste Jat Sikh, resident of Balauli, Police Station Chhachhrauli, District Yamuna Nagar, aged 35 years, after taking meal had come out on the road for roaming. Just after some time, at about 9:00 p.m., I had come to



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know that some boys while gathering on the road, are trying to raise quarrel with my husband Gurwinder Singh alias Sunny and his friend Deepak Kumar. At the same time I along with my younger son reached on the road, then within my sight on three motorcycles, three-three boys were sitting and out of those boys, some boys were having masks on their mouth and tied Parnas. Those boys were armed with wooden Danda in their hands and were saying that today we will teach you a lesson of yesterday's quarrel. Yesterday you were rescued, today we will kill you. They immediately came down from the motorcycles and they started giving Danda blows to Deepak Kumar and both arms of my husband Gurwinder Singh were held by Gurbaj Singh and Jagnoor Singh sons of Amarpreet Singh alias Kala, residents of Balauli and Sandeep Singh son of Gurdeep, resident of Balauli was having a knife in his who, within my sight gave many knife blows in the abdomen of my husband and my husband had fallen on the ground and covered with blood and in the meantime, Deepak Kumar on account of suffering injuries on his legs, had fallen on the ground. My son clinged with my legs out of fear and was weeping in loud voice and I could not do anything. Then I, after arranging for a vehicle brought my husband and Deepak Kumar for treatment to Civil Hospital Chhachhrauli. On account of many injuries suffered by my husband I took my husband to Civil Hospital Yamuna Nagar in the Ambulance arranged by Doctor Sahab of Civil Hospital Chhachhrauli. In Civil Hospital Yamuna Nagar Doctor Sahab after examining my husband declared my husband Gurwinder Singh alias Sunny aforesaid as dead on account of serious injuries. My husband Gurwinder Singh has died on account giving knife blow in the abdomen inflicted by Sandeep Singh aforesaid. On account of revenge of yesterday's quarrel, by a hatching a conspiracy together, legal action may be taken against Gurbaj Singh and Jagnoor Singh sons of Amar Preet Singh alias Kala, Sandeep Singh son of Gurdeep Singh, residents of Balauli and 6/7 other boys of unknown names and address. I have got my statement recorded to you which has been heard and is correct. SD-Kulwinder Kaur."

4. Learned State counsel has further submitted that the petitioner was part of an unlawful assembly and had attacked the complainant party on account of some previous enmity.



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

6. The instant case is based on eye witness account of the complainant (wife of the deceased). Both the material witnesses i.e. the complainant and injured Deepak Kumar already stand examined. However, 21 prosecution witnesses still remain to be examined, hence, the trial would take considerable time to conclude. The petitioner is not stated to be involved in any other criminal case. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

20.09.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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