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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

280

CRM-M No.49931 of 2024
Date of Decision: 07.11.2024

Gurdas Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ranjodh Singh Sidhu, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab,
for the respondent-State.

Mr. P.B.S. Goraya, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
0020	21.03.2024	Sadar Patti, District Tarn Taran	302, 148, 149 and 34 of IPC)

2. Facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Jaspinder Kaur on 21.03.2014 alleging therein that on the previous night, she along with her

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grandmother was sleeping in her house when at about 12 AM on hearing some noises coming from the street, she went outside and saw that the present petitioner along with co-accused Piara Singh and Ram Singh who are living in her neighbourhood, were dragging her brother Gurdial Singh into their house. They were armed with weapons and extended beatings to her brother. The petitioner struck a blow with datar on the head of her brother due to which he fell down in the courtyard of the house of the petitioner. The co-accused Piara Singh and Ram Singh struck blows with sticks on the person of her brother and Amarjit Kaur, wife of the petitioner and Baljit Kaur wife of accused Ram Singh were instigating them to do so. On rescue alarm being raised by her, the neighbourers reached at the spot and then the petitioner and the co-accused left. The injured was rushed to the hospital but was declared to be brought dead. The motive attributed by the complainant to the petitioner and the co-accused was that a few months back, a quarrel had taken place between the victim and the petitioner and to take revenge, her brother had been assaulted and killed. After registration of FIR, investigation proceedings were initiated. Inquest proceedings and postmortem examination of the dead body of the victim was conducted. The petitioner was arrested on 22.03.2024. Investigation has since been completed and the petitioner along with co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 22.03.2024. Infact on the night of 20.03.2024, while hurling abuses, the members of

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complainant party including the deceased had entered into the house of the petitioner by breaking the lock of outer gate and attacked upon the petitioner and his other family members with an intention to kill them. They had also extended beatings to Ram Singh, brother of the petitioner and to Armanpreet Singh son of Ram Singh. The victim had fallen down in their courtyard due to sustaining injuries at the hands of one of his own companions and his head stuck with the railing of the staircase, resulting into his death. The petitioner and co-accused were not the aggressors. The CCTV cameras installed in the street where the house of the petitioner is located, showed that the complainant party duly armed with weapons had entered inside his house. The trial is likely to take time. No useful purpose would be served by keeping him in custody any more. Therefore, it is urged that he deserves to be extended benefit of bail.

4. Per contra, learned State counsel assisted by learned counsel for the complainant has argued that there are specific and serious allegations against the petitioner who by forming membership of an unlawful assembly along with the co-accused and in prosecution of common object of that assembly, had caused injuries to the victim that resulted in his death. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. The dead body of the victim was recovered from the house of the petitioner. There are chances of petitioner's absconding or intimidating the witnesses if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable

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length and have gone through the record.

6. The petitioner along with the co-accused is alleged to have opened assault upon the victim Gurdial Singh and to have caused injuries to him. The blow extended upon the person of the victim Gurdial Singh, by datar by the present petitioner is alleged to have proved fatal as he died as a result of injury sustained by him. The allegations against the petitioner are serious in nature. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. The CCTV footage converted into a compact disc has been placed on record and has been watched by this Court. However, from the same, no inference that the complainant party was aggressor, can be drawn at this stage. The material witnesses are yet to be examined. The apprehension that the petitioner might intimidate the material witnesses if extended benefit of bail cannot be stated to be unfounded at this stage. Keeping in view the gravity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed at this stage. Accordingly, the same is dismissed.

07.11.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No