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**THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.53506 of 2023
Date of Decision: 06.08.2024**

Pawan Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Janak Singh Bhinder, Advocate
for the petitioner.

Mr. J. S. Arora, DAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present second petition has been filed under Section 439 Cr.P.C. praying for the grant of regular bail to the petitioner in case bearing FIR No.95, dated 08.10.2022 (Annexure P-1), under Sections 302, 506, 148, 149 IPC, registered at Police Station Sanour, District Patiala.

2. Succinctly the facts of the present case are that the complainant, namely, Harbans Singh made a statement to the police wherein he alleged that he had two sons, namely, Sandeep Singh @ Sunny and Gurpreet Singh @ Mani. Sandeep Singh was of the age of about 25 years and was married with Paramjit Kaur. Day before the occurrence i.e. on 07.10.2022, the toddlers fought in the vacant plot, however the same was compromised. However one Lalit Kumar @ Lalli belong to the party of those children was not happy with the compromise



and thus, on 08.10.2022, Lalit Kumar @ Lalli along with his accomplices, namely, Jashanpreet Singh @ Jass, Pawan Kumar and 3-4 other unknown youths came at the spot and started manhandling his son Sandeep Singh @ Sunny. Though they tried to persuade them, however Jashanpreet Singh @ Jass gave a sword blow in the abdomen of his son Sandeep Singh @ Sunny and his accomplices also gave blows of their weapons to his son. On raising hue and cry, they escaped from the spot. He shifted his son Sandeep Singh to Rajindra Hospital where the Doctor declared him dead. A request was made to take legal action against the culprits. On the basis of the statements, the FIR was registered and the investigation commenced. The police got conducted the postmortem and recorded the statements of the relevant persons. The challan was presented and charges were framed by the learned trial Court. The petitioner was arrested on 12.10.2022. He approached the Court of learned Sessions Judge, Patiala praying for the grant of bail. However on hearing both the sides, the learned Sessions Judge, Patiala declined the same vide his order dated 12.04.2023. Being aggrieved, the petitioner has earlier approached this Court praying for the grant of regular bail by way of filing **CRM-M-23320-2023**. However the same was dismissed as not pressed vide order dated 12.05.2023. Hence the petitioner is before this Court again by way of filing the present second petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He submits that though the petitioner has been named in the FIR, however no specific injury has been attributed to the petitioner. He has submitted that as per the postmortem report, there are three incised injuries on the



person of deceased and the same are not attributed to the petitioner. He has submitted that the only allegation made out against the petitioner is that he was part of the unlawful assembly. He has submitted that the dispute had taken place among the young boys and thus he had no *mens rea* to commit the offence as alleged. He has submitted that even otherwise the material witnesses already stands examined and the petitioner having not been involved in any other case except the present case, deserves to be granted bail.

4. *Per contra*, learned counsel for the State, on the other hand has opposed the submissions made by counsel for the petitioner. He however, on instructions, has submitted that the petitioner is specifically named in the FIR, who along with the co-accused had attacked the deceased in a per-mediated manner, who succumbed to the injuries given by all the accused. He has submitted that the petitioner was a part of unlawful assembly. He on instructions has submitted that the petitioner is not involved in any other case and out of 16, 07 prosecution witnesses have been examined including the complainant and 02 have been given up. He thus submits that the petitioner has no case for the grant of bail and thus, the present petition being devoid of any merit deserves to be dismissed.

5. I have heard counsel for the parties and perused the record.

6. After hearing learned counsel for the parties and perusing the record, it is apparent that as per case of the prosecution, the petitioner was a part of the unlawful assembly. The petitioner was arrested on 12.10.2022. There is nothing on the record to show that the petitioner is involved in any other case. The material witnesses as



submitted before this Court by the learned State counsel already stands examined.

7. The veracity of the allegations would be assessed only after the conclusion of trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

06.08.2024
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(RAJESH BHARDWAJ)
JUDGE

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