



CRM-M-63470-2023 and
CRM-M-62530-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-63470-2023
Date of decision: 19.11.2024

ANGREJ SINGH

... Petitioner

Vs.

STATE OF PUNJAB

.... Respondent

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GURVINDER SINGH

... Petitioner

V/S

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Ms. Shveta Sanghi, Advocate (through V.C.)
Mr. Himanshu Garg, Advocate
for the petitioner in CRM-M-63470-2023.

Mr. Sunny Saggar, Advocate for the petitioner
in CRM-M-62530-2023.

Ms. Amrita Garg, AAG, Punjab.

Mr. Vikas Gupta, Advocate
for the complainant in both cases.

SUVIR SEHGAL J. (ORAL)

1. This order shall dispose both the above noted petitions as both the petitioners are named as accused in the same FIR. Petitioner Angrej Singh has approached this Court for the second time, whereas,



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petitioner Gurvinder Singh has approached this Court for the first time, by way of separate petitions filed under Section 439 of Cr.P.C. for grant of regular bail in:-

FIR No.	Dated	Police Station	Sections
71	28.05.2021	Shirhali, District Tarn Taran	307, 506, 148, 149 IPC and 302, 212, 323, 452 IPC were added later on

2. In brief, factual matrix leading to the lodging of the FIR is that on 27.05.2021 at 9:30 AM complainant, alongwith his younger brother Kuldeep Singh, aged about 30 years, was returning to his house on a motorcycle, when they were attacked. Gurjant Singh and Gurvinder Singh (petitioner in CRM-M-62530-2023), both armed with a wooden sticks Rashpal Singh, armed with 12 DBBL gun, Angrej Singh (petitioner in CRM-M-63470-2023), Manjit Singh armed with a wooden stick, Jaswinder Singh with a sword, Daler Singh, Sukhchain Singh, Japsimran Singh, Desa Singh, Savinder Singh, Sukhdev Singh, Gurvinder Singh son of Jaswinder Singh and Gurpreet Singh, all armed with wooden sticks, were waiting for them. Rashpal Singh instigated co-accused to catch hold of Kuldeep Singh and to teach him a lesson for stealing electricity wires. Gurwinder Singh, Gurjant Singh, Angrej Singh, Manjit Singh and Daler Singh started hitting Kuldeep Singh with wooden sticks and he fell. As the complainant came forward to rescue him, Sukhchain Singh and Sukhdev Singh hit him with sticks. Rashpal Singh hit the DBBL rifle on the neck of Kuldeep Singh and Jaswinder Singh kicked Kuldeep Singh. Savinder Singh also hit the complainant and he fell on the ground. Other

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assailants hit complainant's brother, whereas Gurwinder Singh and Gurpreet Singh dragged the complainant and his brother. Due to the injuries suffered, Kuldeep Singh became unconscious and upon the complainant raising an alarm, the assailants fled with their respective weapons. Kuldeep Singh was immediately taken to a hospital. However, during treatment, he succumbed to his injuries, whereupon Section 302 of the IPC was added in the FIR vide DDR No.21 dated 10.06.2021.

3. Counsel representing the petitioners urge that the petitioners and their entire family has been falsely implicated. They assert that no specific injury has been attributed to the accused-petitioners and all the allegations levelled against the petitioners are vague. It has been argued that no recovery has been effected from the accused Angrej Singh. While referring to the testimony of the complainant, who was recalled for further examination on 13.11.2024, it has been submitted that the complainant has resiled from his earlier statement. Counsel for the petitioners contend that the petitioner Gurvinder Singh is in custody since 11.12.2021 and petitioner Angrej Singh is in custody since 08.06.2022 and as the trial is not likely to conclude in the near future, they may be released on bail.

4. Per contra, State counsel upon instructions from ASI Gurdeep Singh, has submitted that due to the injuries inflicted on Kuldeep Singh, he expired during treatment. By referring to the deposition of the complainant, she submits that the petitioners have been named and a specific role has been attributed to them. It has been further submitted that the complainant is yet to be cross-examined and the



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proceedings were adjourned as the prosecution intends to move an application for summoning the additional accused, though the application is yet to be filed. State counsel is supported by the counsel for the complainant.

5. I have heard counsel for the parties and considered their respective submission.
6. The role ascribed to the petitioners and the injuries allegedly suffered by them, would be determined by the trial Court on the basis of the ocular and documentary evidence led by the prosecution. Petitioners have been in detention for the last more than 2½ years and out of 26 prosecution witnesses, only complainant is being examined. It is evident that the trial is at a nascent stage and there is a remote possibility of its early conclusion. Noticing the nature of allegations levelled against the petitioners, their length of detention and the stage of trial, this Court is of the view that the concession of bail deserves to be granted to them.
7. Without advertng to the merits or demerits of the arguments addressed by counsel for the parties, both the petitions are allowed and the petitioners are ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. It is clarified that nothing mentioned hereinabove shall be construed to be an expression of opinion on the merits of the case.

19.11.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No