

CRM-M-31183-2024

2025:PHHC:028267



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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

(283)

CRM-M-31183-2024 (O & M)

Date of Decision:-27.02.2025

Bahadur Singh

.....Petitioner.

Vs.

State of Punjab

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Jashandeep Singh Sandhu, Advocate,
for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 439 Cr.P.C. is for the grant of regular bail in case FIR No.45 dated 22.08.2021 under Sections 307, 365, 342, 323, 506, 148 and 149 IPC (Sections 364, 325, 302 and 34 IPC added later on) registered at Police Station Mehal Kalan, District Barnala, Punjab.

2. The present FIR came to be registered at the instance of Jaskaran Singh and reads as under:-

“Statement of Jaskaran Singh son of Baljit Singh, resident of Near Baba Jiwan Singh Chowk, Mehal Khurd, age about 21 years (Mobile No.97814-20724). Stated that I am resident of the above mentioned address. My father Baljit Singh has opened Simran Clinic at Mehal Kalan and I also do work alongwith my father in the clinic. On 20.08.2021, we closed our clinic and went to our house. Then I came to Mehal Kalan on the Platina motorcycle of Iqbal Singh son of Jagtar Singh @ Kaillu, resident of Mehal Khurd bearing registration No. PB-19P-8196 for domestic work. After that, I and Iqbal Singh were going back to our house Mehal Khurd on the aforesaid motorcycle of Iqbal Singh and the motorcycle was being driven by Iqbal Singh. When we reached near the house of



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Bahadur Singh son of Dalip Singh, resident of Mehal Khurd, one km. behind Village Mehal Khurd, time would be about 9.00 P.M. and Harpreet Singh son of Bahadur Singh, Gurpreet Singh son of Bahadur Singh, Bahadur Singh son of Dalip Singh, Bhawandeep Singh son of Kuldeep Singh, Navdeep Singh son of Kuldeep Singh, Ranjit Singh son of Mahinder Singh, Satnam Singh @ Ralla son of Bikar Singh, residents of Mehal Khurd were already standing armed with sotis, hockey etc. who after seeing us raised lalkara then Iqbal Singh accelerated the speed of the motorcycle and I fell down from backside. Then Harpreet Singh etc. pulled me to their house where, Harpreet Singh gave blow with the soti on my right arm then Gurmeet Singh gave hockey blow at my back, Bahadur Singh gave blows with the handle of the spade on my left arm then Bhawandeep Singh gave wooden blow on my left leg, Navdeep Singh gave blow with the soti on the right side of my head. Then Ranjit Singh son of Mahinder Singh and Satnam Singh son of Bikar Singh raised lalkara in a high volume and said that today, he should not be allowed to go scot-free. Then Harpreet Singh raised lalkara and said that I will take revenge from him for inflicting injuries to me earlier. Iqbal Singh son of Jagtar Singh, resident of Mehal Khurd has already informed our parents regarding this incident. Then my chacha (uncle) Gurpreet Singh son of Surjit Singh, Baldeef Singh Sarpanch son of Tilka Singh, Jaswinder Singh, Panch, Harpal Singh @ Pala Panch @ Hargopal Singh reached at the house of Bahadur Singh at the spot who told Bahadur Singh etc. that you have not done good by giving beating to Jaskaran Singh, many other people also gathered at the spot. Then my chacha (Uncle) Gurpreet Singh with the help of respectables got admitted in government hospital, Mehal Kalan from where, doctor referred me to government hospital, Barnala after giving first-aid. Then my chacha (uncle) Gurpreet Singh got admitted me in government hospital, Barnala where I am under treatment. Bone of contention is that in the month of December 2020, a fight took place between us and Harpreet Singh etc. in which, Harpreet Singh had received injuries due to which, Harpreet Singh, Gurpreet Singh, Bahadur Singh, Bhawandeep Singh, Navdeep Singh, Ranjit Singh, Satnam Singh in connivance with each other have given beating to me. I got my statement recorded, heard which is correct. So, it is requested that appropriate action be taken against them. I am the complainant. I



am the complainant. sd/- Jaskaran Singh."

3. During the course of investigation, the injured-Jaskaran Singh got recorded a supplementary statement with the police in which he specifically mentioned that on 22.08.2021, the accused, namely, Harpreet Singh (since granted the concession of bail vide order dated 01.05.2024 passed in CRM-M-18739-2024, Annexure P-2), Gurpreet Singh (since granted the concession of bail vide order dated 04.04.2024 passed in CRM-M-6222-2024), Bahadur Singh (petitioner), Bhavandeep Singh @ Bhawanjit Singh @ Bhawandeep Singh, Navdeep Singh, Ranjit Singh (since granted the concession of bail vide order dated 13.07.2022 passed in CRM-M-12765-2022) and Satnam Singh had caused injuries on his person with intention to kill him.

Upon receiving the supplementary report from the doctor on 05.09.2021 and evidence coming on the file, the offences under Sections 367/325 IPC were added whereas offence under Section 365 IPC was deleted.

During his treatment, Jaskaran Singh died in Jiwan Jyoti Super Speciality Hospital, Patiala on 15.09.2021 and therefore, the offences under Sections 307/367 IPC were replaced with the offences under Section 302/364 IPC.

As per the post-mortem report, the cause of death was '*respiratory failures due to pneumonia/sepsis*'.

During the investigation, on 16.09.2021, accused-Harpreet Singh and Bahadur Singh were arrested. Harpreet Singh got recovered a stick used by him in the occurrence whereas Bahadur Singh got recovered the handle of a *kahi*.



Ranjit Singh and Bhawandeep Singh were arrested on 26.09.2021.

Gurpreet Singh was arrested on 03.11.2021 and got recovered a hockey used in the occurrence.

Navdeep Singh, Bhawandeep Singh and Satnam Singh were found to be innocent.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. As per PW-4/Dr.Rohit Kalia, a Junior Resident, Department of Medicine, Rajendra Hospital, Patiala, on 23.08.2021, he had examined Jaskaran Singh who was fit to make his statement. However, the said patient left the hospital against medical advice. The patient could have been saved if he had not been taken away from the hospital. As per the additional affidavit dated 17.11.2024 of Shubeg Singh, PPS, Deputy Superintendent of Police, Mehal Kalan, District Barnala and the post-mortem report, the cause of death was '*respiratory failures due to pneumonia/sepsis*', which was sufficient to cause death in the ordinary course of nature. So, it was unlikely that the injuries caused would have caused the 'sepsis'. The three co-accused of the petitioner, namely, Harpreet Singh, Gurpreet Singh and Ranjit Singh had been granted the concession of bail by this Court. As the petitioner was in custody since 16.09.2021 but only 09 out of the 25 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

5. The learned counsel for the State, on the other hand, contends that the allegations levelled against the petitioner and his co-accused are serious in nature. The petitioner and his co-accused caused injuries on the



person of the deceased and therefore, he was not entitled to the concession as prayed for. He, however, concedes that as per the post-mortem report, the cause of death was '*respiratory failures due to pneumonia/sepsis*' and as per the opinion of the doctors, the possibility of 'sepsis' as a result of blunt force impact was not likely. He also concedes that three co-accused of the petitioner had been granted the concession of bail and that the petitioner was in custody since 16.09.2021 but only 09 of 25 prosecution witnesses had been examined so far.

6. I have heard the learned counsel for the parties.
7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Three similarly situated co-accused of the petitioner have been granted the concession of bail. The petitioner is stated to be in custody since 16.09.2021 but only 09 of 25 prosecution witnesses have been examined so far and therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.
7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Bahadur Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.
8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 27, 2025
sukhpreet

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