



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223

CRM-M-47187-2023 (O&M)
Date of Decision:- 10.02.2025

SUKHDEV SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Premjit Singh Hundal, Advocate for the petitioner.
Mr. Jatinder Pal Singh, Sr. DAG Punjab.
Mr. Divyansh Vats, Advocate for
Mr. H.S. Bath, Advocate for the complainant.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under
Section 439 CrPC for grant of regular bail to the petitioner in the following
case :-

FIR No.	Dated	Sections	Police Station
50	24.02.2020	302, 341, 120-B, 148, 149 IPC	Sadar Tarn Taran, District Tarn Taran

2. It is, *inter alia*, contended by learned counsel for the petitioner
that the petitioner is innocent and has been falsely implicated in this case. He
contends that the allegations levelled against the petitioner are totally false
and concocted by the complainant with a view to grab the property. He
contends that although there was a property dispute, however, there was no



occasion for the petitioner to have murdered his own real brother. He further contends that the petitioner along with three other accused, namely Kashmir Singh, Hoshiar Singh and Kuldip Singh were nominated by the complainant with a view to involve the entire family of the petitioner, however, Kashmir Singh, Hoshiar Singh and Kuldip Singh were found innocent during investigation and they were not challaned. Even an application under Section 319 CrPC was moved by the complainant, which was dismissed by the learned trial Court and the revision preferred against the same, also stood dismissed. He submits that this fact creates doubt regarding the genuineness of the prosecution version. He further submits that petitioner is in custody for more than four years and the prosecution has not been able to conclude the trial, hence prayed for grant of bail to the petitioner.

3. *Per contra*, learned State counsel assisted by learned counsel for the complainant has assailed these arguments by submitting that there are specific allegations against the petitioner of having murdered his real brother by firing from his .315 bore rifle. They contend that petitioner happens to be the prime accused in the occurrence as such, considering the gravity of offence, he is not entitled to the concession of bail.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the statement of Palwinder Kaur, wife of deceased to the effect that on 24.02.2020, she along with her husband, father and daughter had gone to attend a marriage in village Jaspat, and from there, her husband went to the wheat fields, followed by the



complainant. Then the petitioner (real brother of the deceased) armed with gun, his son Manjinder Singh armed with pistol, another son Amanat Singh armed with pistol and Ranjit Kaur (wife of the petitioner) armed with baseball bat, along with Kuldeep Singh armed with gun, Kashmir Singh armed with gun and Hoshiar Singh armed with gun, came there. Jagtar Singh, father-in-law of the complainant, signalled towards Baldev Singh upon which petitioner along with other accused encircled him. Thereafter, 8-9 unidentified persons with muffled faces came on a Bolero vehicle armed with guns and pistols. Thereafter, on the *lalkara* being raised by Ranjit Kaur to teach Baldev Singh a lesson for demanding land from them, Sukhdev Singh, Amanat Singh, Manjinder Singh, Kashmir Singh, Kuldeep Singh and Hoshiar Singh opened fire at Baldev Singh, while unidentified persons caught hold of Baldev Singh and dragged him while Ranjit Kaur gave baseball bat blow to him and unidentified persons hit Baldev Singh with butts of the guns. On the alarm being raised by the complainant, the assailants ran away from the spot. The injured was shifted to hospital where he was declared dead. Accordingly the FIR was registered and after the completion of investigation, challan was presented in the Court. The petitioner was arrested in this case on 07.07.2020. It is not disputed that during the investigation, the police had declared Kashmir Singh, Hoshiar Singh and Kuldeep Singh as innocent and during trial, the complainant had moved an application under Section 319 CrPC, which was dismissed by learned trial Court and revision preferred against the same was also dismissed. It is the contention of learned counsel for the petitioner that this



fact creates doubt regarding the genuineness of the prosecution version and the benefit thereof be given to the petitioner. However, considering the fact that there are specific allegations against the petitioner of having shot his real brother on account of property dispute and the trial of the case is in progress, it would be apt for the trial Court to appreciate the evidence. The allegations levelled against the petitioner of having directly fired upon his real brother over the property dispute, are grave and serious enough to disentitle the petitioner for grant of regular bail at this stage.

6. In these circumstances, considering the serious nature and gravity of offence involved and the fact that the petitioner has actively participated in the crime resulting in death of his own brother, this Court finds that the petitioner is not entitled to the concession of bail. Accordingly, the present petition is dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

10.02.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No