

2025:PHHC:037229



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

**CRA S-4140 of 2024 (O&M)
Date of Decision: 17.03.2025**

Gobind Preet Singh		...Appellant
	Versus	
State of Haryana		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. G.S. Ghuman, Advocate, for the appellant.

Mr. Rajinder Kumar Banku, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

CRM-49926 of 2024

The applicant/appellant has moved the present application with a prayer to condone the delay of 745 days in filing the present appeal.

Notice of motion.

On the asking of the Court, Mr. Rajinder Kumar Banku, DAG, Haryana accepts notice on behalf of the State of Haryana

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

For the reasons mentioned in the application, the same is allowed and the delay of 745 days in filing the present appeal is ordered to be condoned.

CRA-S-4140 of 2024

1. The appellant has filed the present appeal under Section 14-A of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 (hereinafter to be referred as '**the SC/ST Act**') before this Court against the impugned order dated 23.08.2022 passed by the Court of Additional Sessions Judge, Sonipat, in case FIR No. 605 dated 15.10.2021 under Sections 302, 201, 148, 149, 109 and 114 of the IPC and Section 3(2)(v) of the SC/ST Act, whereby, the regular bail application filed by the appellant was ordered to be dismissed.

2. The FIR in the present case was registered on the basis of the statement made by ASI Sandeep Kumar and the same has been reproduced below:-

“To Administrative Officer, Police Station, Kundli, Jai Hind. Today on dated 15-10-2021, I, ASI was present in Police Station Kundli as Duty Officer. At about 5.00 A.M. morning received information in the Police Station that in farmers' agitation the Nihangs (baptized Sikhs) have severed the hand of a person and have hanged that person on an iron barricade by tying him with a rope. On receiving this information I, ASI along with HC Pardeep 618, CT Som Dutt 1842 reached at the spot where in farmers agitation on the road towards Singhu Border a man whose hands and feet were severed and

was hanged that person on an iron barricade who was dead. In the surrounding a large number of Nihangs (baptized Sikhs) were present from whom I ASI tried to enquire but neither they cooperated in the enquiry nor did they allow to bring down the dead body of the deceased. Efforts were made to identify the deceased but his identification could not be made out. That the above unknown unidentified persons have murdered the above unidentified person by severing his hands and feet. Therefore, legal proceedings be initiated against the unknown persons. Information has been sent to the higher officers and FSL team. From the murder of unidentified and unknown person by unidentified and unknown persons the offence under Section 302, 34 IPC is made out. The above writing is being sent to the Police Station by hand through CT Som Dutt 1842 for registration of case. After registration of case the number of case be apprised. Myself ASI is the plaintiff therefore 2nd I/O be sent to the place of occurrence. Today near Singhu Border Kundli SD SANDEEP KUMAR ASI PS KUNDLI DT. 15/10/21 AT 07:00 7015575478”.

3. Learned counsel for the appellant contends that the name of the appellant was not mentioned in the FIR by the complainant and the FIR has been got registered by an official of Haryana police, on the basis of some information received by him. In fact, the offence was committed by certain unknown persons and the appellant was wrongly arrested on 16.10.2021. Learned counsel further contends that even during the course of investigation, the disclosure statement

of the appellant was recorded and even as per the same, Sarabjit Singh, co-accused had amputated the hand of Lakhbir Singh at the instigation of Aman Singh, which resulted into the death of Lakhbir Singh. He further contends that it has been wrongly alleged that some blood stains were present on the clothes of the appellant. In fact, the appellant alongwith other had shifted the dead body and during that process, some blood stains might have appeared on his clothes. He further contends that the appellant is in custody since 16.10.2021 and the trial Court may take substantial period to conclude the trial.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by the learned counsel for the appellant on the ground that the appellant was actively involved with other accused in committing the murder of Lakhbir Singh. All the accused had beaten him after removing his clothes and one of the NIHAGS had amputated his left hand and the other Nihag had amputated his leg. Even, the dead body was hanged beside the police barricade and it was alleged that the deceased had dishonoured the holy book of Sikhs. Even, the appellant was visible in the CCTV footage and the appeal deserves to be dismissed by this Court.

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

6. This Court agrees with the findings recorded by the trial Court that no person can be allowed to take the law in ones own hand. Even if, Lakhbir Singh, since deceased, committed any offence, the

accused could take recourse to the process of law and could make a complaint to the police against him. However, in the present case, the hand and leg of Lakhbir Singh was amputated by the Nihags and the dead body was hanged near the police barricade and such brutality on the part of the accused can never be accepted in any civilized society. As per the prosecution, the appellant was also clearly visible in the CCTV footage, which was recovered by the police during the course of investigation. Even, the police had already found sufficient evidence to prove that the appellant had also actively participated in the commission of crime alongwith the other accused and in view of the gravity of the allegations, the appellant is not entitled to the concession of bail.

7. Finding no merits, the present appeal is ordered to be dismissed.

8. All pending applications, if any, are disposed off, accordingly.

17.03.2025	(N.S.SHEKHAWAT)
amit rana	JUDGE
Whether reasoned/speaking	: Yes/No
Whether reportable	: Yes/No