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

CRA-S-3422-2024(O&M)

Date of Decision: 10.01.2025

Harmanpreet Singh

...Appellant

VS.

State of Punjab and another

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Parminder Singh, Advocate
for the appellant.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

Mr. Mohd. Jameel, Advocate
for respondent No.2.

N.S.Shekhawat J. (Oral)

CRM-41570-2024

Application is allowed as prayed for subject to just exceptions.

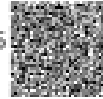
Annexure A-1 is taken on record.

CRM-41571-2024

Application is allowed as prayed for subject to just exceptions.

CRA-S-3422-2024

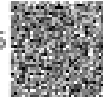
The appellant has filed the present appeal against the impugned order dated 05.08.2024 passed by the Court of Additional Sessions Judge, Gurdaspur, whereby the bail petition filed by the appellant under Section 439 of Cr.P.C. was ordered to be dismissed in case FIR No.41 dated 17.06.2024 under Sections 302, 325, 34 of IPC and Sections 3, 2(2)(V) of Scheduled Castes and



Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Kotli Surat Mallian, District Batala.

2. Learned counsel for the appellant contends that as per the case of the prosecution, the construction work was going on at the house of Ajit Singh son of Dayal Singh. Harmanpreet Singh, the appellant was also working at the site and was present with his tractor. Another co-accused, namely, Arshpreet Singh was also present along with his tractor. Arshdeep Singh son of Jaspal Singh and Harmanpreet Singh son of late Jasbir Singh were playing songs at loud volume in the stereo installed at their tractors. On this, the complainant side raised the objection. On this, the petitioner and Arshpreet Singh @ Arshdeep Singh son of Jaspal Singh called Vijaypal Singh son of Tarsem Singh and exhorted him to kill the complainant side. Vijaypal Singh was driving the tractor and Arshpreet Singh son of Dayal Singh was sitting on the mudguard of the tractor and he drove the tractor at a very fast speed and were saying loudly that they would crush the complainant side under the tractor. They drove the tractor alongwith trolley over the complainant and his mother with the intention of killing them and the mother of the complainant had died at the spot.

3. Learned counsel for the appellant contends that as per the case of the prosecution, the appellant was simply present at the place of occurrence and was not sitting on the tractor, which was used in the commission of crime. He further contends that as per the case of the prosecution, the tractor was driven by Vijaypal Singh, co-accused and Arshpreet Singh son of Dayal Singh was sitting on the mudguard of the said tractor. He further contends that the appellant never instigated Vijaypal Singh to commit the crime and Vijaypal



Singh had reached at the place of occurrence at the spur of moment and can never be stated that the appellant shared the common intention with his co-accused. Learned counsel further contends that no offence under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is attracted in the facts of the case as no castes related words by using anyone nor the complainant side was attacked due to the fact that they belonged to the Scheduled Castes category. The appellant was arrested in the present case on 20.06.2024 and is in custody since then. After completion of investigation, challan has already been presented against the appellant and the trial is not likely to conclude in near future.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the appellant on the ground that the appellant had called the co-accused, who killed the mother of the complainant by driving his tractor rashly and at a very fast speed.

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

6. In the present case, the appellant was simply stated to be present at the place of occurrence, where he was working at the site of the construction of house of Ajit Singh. He was neither driving nor sitting on the tractor, which was used in the commission of crime. Moreover, he is not in a position to influence the witnesses of the prosecution and the trial is not likely to conclude in near future.

7. Without commenting on the merits of the case, the present appeal is allowed and the appellant is ordered to be released on bail subject to his

furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty
Magistrate/Chief Judicial Magistrate, concerned.

10.01.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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