



CRM-M-56032-2024

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

CRM-M-56032-2024 (O&M)

Date of Decision: 01.04.2025

Bhupinder Singh @ Manga

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Pooja Jaglan, Advocate for
Ms. Eknor Kaur Sara, Advocate, for the petitioner.
Mr. J.S. Arora, DAG, Punjab.
Mr.Arjun Kapur, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)**CRM-49869-2024**

Allowed as prayed for. Annexure P-7 is taken on record.

Main case

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.117 dated 27.07.2023 under Section 302, 34 IPC, registered at Police Station Dhanaula, District Barnala.
2. Succinctly, facts of the case are that the FIR in the present case has been lodged on the statement of the complainant, namely Baljinder Singh. It was alleged that on 27.07.2023, the complainant was watering his fields. While watering the paddy due to loose pipeline, some water started flowing towards the land of Bhupinder Singh (petitioner) son of Mukhtiar Singh. The complainant objected to the same and requested Bhupinder Singh and his father to tighten the nosal of the pipeline, however, they did not pay any heed to the same. Owner of the land Sukhdev Singh and neighbour Gurmail Singh reached the spot to make request of tightening the nosal to Bhupinder Singh and his father Mukhtiar Singh. At about 11:00 a.m., a quarrel took place between them. Bhupinder Singh asked his father



Mukhtiar Singh that Bittu Singh (brother of the complainant) be not spared. On this Bhupinder Singh tried to give to Bittu Singh. However, Bittu Singh tried to stop it by Kahi. In the meantime, at the spur of moment Bhupinder Singh caught hold the hands of Bittu Singh alongwith the spade and Mukhtiar Singh took out Kirch (wrongly mentioned in the FIR as spade) and gave the blow on the left side of the ribs. On receiving the blow, Bittu Singh fell down on the ground. Thereafter, Bhupinder Singh and Mukhtiar Singh alongwith their weapons fled from the spot. They shifted their brother Bittu Singh to Civil Hospital, Dhanaula for treatment, however, on check up the Doctors declared him dead. Request was made to take legal action against the accused. On the registration of the FIR, the investigation commenced. The petitioner was arrested on 27.07.2023. He approached the Court of learned Sessions Judge, Barnala praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 13.03.2024. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. She submits that on reading the allegations made in the FIR, it is apparent that the alleged dispute arose on the spur of moment while both the sides were irrigating their land. It is submitted that the petitioner and his father both have been roped in the present case. She submits that the allegations made against the petitioner are that he caught hold the hands of deceased Bittu Singh. She submits that fatal blow has been attributed to his father Mukhtiar Singh, who



had allegedly gave a Kahi blow. It is submitted that there is only one injury caused, however, the same has resulted in death of Bittu Singh. It is further submitted that there is no pre-meditation in causing the alleged injury. She submits that the petitioner is behind bars since the date of his arrest, however, trial is not concluded till date. She submits that in the facts and circumstances, even offence under Section 302 IPC is not made out against the petitioner. She, thus, submits that the petitioner deserves to be granted bail.

4. Learned counsel for the complainant has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner and his father in a pre-meditated manner have caused fatal injuries to the deceased. He submits that the ocular version is medically corroborated.

5. Status report by way of affidavit of Satvir Singh, Deputy Superintendent of Police, Sub Division Barnala filed in Court is taken on record. Learned State counsel has also opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner and his father were duly armed and fatal blow has been given by the co-accused. He submits that both have common intention in causing the murder of the deceased. On instructions, he has submitted that out of 20 prosecution witnesses, 08 witnesses have been examined and 02 witnesses have been given up. He has placed on record the custody certificate of the petitioner.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged occurrence has taken place while both the complainant and accused sides were irrigating their fields. The petitioner,



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who is the son of the co-accused, has allegedly caught hold the deceased, however, there is no allegation that he was armed with any weapon or had caused any injury to the deceased. The custody certificate would reflect that he has suffered incarceration of 01 year 08 months & 02 days as on 31.03.2025. It further reflects that the petitioner has no criminal antecedents. Out of total 20 prosecution witnesses, 08 witness have been examined and 02 witnesses have been given up.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

01.04.2025

sharmila

Whether Speaking/Reasoned :
Whether Reportable :

(RAJESH BHARDWAJ)
JUDGE

Yes/No
Yes/No