

2025:PHHC:036231



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

CRM M-63384 of 2024 (O&M)
Date of Decision: 10.03.2025

Major Singh @ Painter ...Petitioner
Versus
State of Punjab ... Respondent

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

Present : Mr. Anmol Puri, Advocate, for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant the concession of regular bail to him in case FIR No. 56 dated 11.05.2023 under Sections 302, 379-B, 341, 511, 34 and 201 of IPC registered at Police Station Amargarh, District Sangrur.

2. The FIR in the present case was registered on the basis of the statement made by Kanwar Singh son of Satpal Singh and the copy of the same has been reproduced below:-

“Copy of Statement: Statement of Kanwar Singh, S/o Satpal Singh, R/o Parta, P.S. Sadar Tohana, District Fatehabad, age about 38 years, Mobile No. 93508-18921 statement that I am resident of above

mentioned address and I am working as Driver in Marbal Tea Company on truck TATA LPT bearing No. HR-39-C-1721. Yesterday on dated 10.05.2023, at about 6:00 AM, I alongwith delivery man Mahinder Sharma, S/o Megh Raj R/o Uklana Mandi, Hisaar were going to Jalandhar after loading the tea leaves from Uklana Mandi. After completing our deliveries on the way finally we reached Jalandhar at about 6:30 PM and after unloading our vehicle, we returned back from Jalandhar at about 7:30 PM. AT about 10:30 PM, we were going to Sangrur side, after crossing city Malerkotla reached at Village Ratela 3-4 k.m. ahead of City Malerkotla and then, one motorcycle followed us on which 2 persons were present. After coming closure to driver window, they said that you tried to hit us earlier. I answered that We never hit anybody. Then the above-mentioned persons blocked our way by standing their motorcycle before our truck. I stopped my truck. Then the pillion rider of motorcycle, quickly climbed/opened the driver window and took/ejected the key after shutting down the truck. After opening the window, he put his knife on right side of the my abdomen and said, get aside and I got aside and then the above said person, sat on my seat and he said to me that take out whatever I have. I said that I have nothing and then, he tried to snatch my mobile phone which I am carrying in my hand and the one who was riding the motorcycle, kept the motorcycle start. Mahinder Sharma started abusing the person sitting next to me who get down from truck hurriedly and Mahinder Sharma also got down from the truck. The above-mentioned person while carrying his knife came

to Mahinder Sharma who gave the knife blow on the face of Mahinder Sharma which hit on his forehead. Mahinder Sharma told me to bring the rod. After taking the rod and I get down from the truck. Then Mahinder Sharma caught hold the said person from his left arm and the above-mention person stabbed with knife which he is carrying in his hand, in the right side of the stomach of Mahinder Sharma who fell down on the ground immediately. I tried to handle Mahinder Sharma and the above mentioned both persons, ran away from the spot on their motorcycle with the respective weapons. I raised alarm and the passerby stopped there who called the ambulance at the spot and Mahinder Sharma got admitted to Government Hospital Malerkotla for treatment. Then I informed my fellow driver Sarwan about the incident through phone. During treatment, Mahinder Sharma at about 11:30 PM died at Civil Hospital Malerkotla. His dead body was kept at dead house, Civil Hospital, Malerkotla. Mahinder Sharma died due to injury caused with the knife by unknown motorcycle riders. I can identify both the persons if they brought before me. After identifying the unknown person, the strict action may kindly be taken against them. The statement has been recorded. I heard the same and found it correct. Sd/-complainant Kanwar Singh.”

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and had no connection with the occurrence at all. However, after several days, the statement of the complainant was recorded again and while making considerable

improvement in his statement, he had named the petitioner as well as his co-accused Mohammad Rafi @ Rafi. The petitioner was arrested in the present case on 19.05.2023 and is in custody since then. The challan has already been presented before the trial Court and now the case is listed for prosecution evidence. Thus, further custody of the petitioner will not serve any purpose.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner and submitted that there was sufficient evidence to establish that the petitioner and his co-accused had brutally killed Mohinder Sharma. During the course of investigation, the supplementary statement of Kanwar Singh, complainant was recorded and he had named the petitioner as well as his co-accused, namely, Mohammad Rafi @ Rafi. Even, the petitioner and his co-accused were arrested on 19.05.2023, who were got identified from the complainant in the present case. Learned State counsel further contends that during the interrogation, Mohammad Rafi @ Rafi, co-accused suffered disclosure statement and clearly stated that he and his co-accused, i.e., the petitioner had caused serious injuries with a knife on the person of Mohinder Sharma, who succumbed to the injuries. During investigation, the motorcycle, which was used by the accused in the occurrence was recovered from the present petitioner. Apart from that, there was sufficient evidence to show that the petitioner and his

co-accused had caused serious injuries on the person of Mohinder Sharma and he died as a result of the same.

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

5. In the present case, as per the case set up by the prosecution, the petitioner and his co-accused had inflicted knife injuries on the person of Mohinder Sharma, who died as a result of the said injuries. After the occurrence, the petitioner fled from the spot alongwith co-accused on his motorcycle. The said motorcycle bearing registration No. PB-28-H-9663 was got recovered by the petitioner during his interrogation. Even, as per the opinion of the doctor, the cause of death in the present case has been declared to be the injuries, sustained by Mohinder Sharma in the incident. Thus, keeping in view the allegations levelled against the petitioner, he is not entitled to the concession of bail and the petition is liable to be dismissed.

6. Dismissed.

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

10.03.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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