

2025:PHHC:058257



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

**CRM M-28388 of 2024**

**Date of Decision: 28.04.2025**

Parminder Singh

...Petitioner

Versus

State of Punjab

... Respondent

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

Present : Mr. Piyush Khanna, 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 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.150 dated 20.07.2020 registered under Sections 302, 307, 324, 323, 427, 148 and 149 of IPC (Section 120-B of IPC added later on) at Police Station Mahilpur, District Hoshiarpur.

2. The FIR in the present case was registered on the basis of the statement made by Seema Rani wife of Ram Lubhaya and the same has been reproduced below:-

*“Statement of Seema Rani wife of Ram Lubhaya resident of Possi, Police Station Mahilpur, District Hoshiarpur,*

aged about 42 years, Mobile No.98154-64066. Stated that I am resident of above mentioned address and I am house wife. I have two sons namely Deepak Kumar aged 22 years and Shiv Shant aged about 20 years and one daughter namely Puja who is married and lives in her matrimonial home. My both sons have opened shop of welding for about 1 month in the village near to the house of my sister Sunita. Yesterday dated 19.7.2020 I was going to the house of my sister Sunita, time must be around 2.45 PM, a lot of people gathered at my sons' shop. When I went to the shop and I saw my son Deepak Kumar was bleeding from head and stomach due to injuries. The other son Shiv Shant also had injuries on his legs and arms. My son Shiv Shant told me that 14/15 youths who had Daat, Kirpan and iron rods came to their welding shop on motorcycles and after inflicting injuries upon them, they fled with their weapons on their own motorcycles and their motorcycle which was parked in their shop has also been damaged. Since both my sons were seriously injured, we arranged for a vehicle and took them for treatment to the Civil Hospital Garhshankar, where condition of my son Deepak Kumar worsened, he was referred to PGI Chandigarh, where during the treatment he died. The reason of enmity is that Laddi son of late Gurmail Singh resident of Possi has been disowned by his parents. For approximately 1 year he has been living in my house and family of the Laddi doesn't like this. The sister of Laddi namely Kamaliit Kaur and her husband Charan Dass who lives in Leblon, in January 2020 they came to the village Possi, who threatened to kill me and my family over this

*issue. Soni resident of Rajpur Bhayia at present resident of village Suni, who is nephew (Bhanja) of Panch Satnam Singh resident of Possi, who had lived in the house of Gurmail Singh village Possi for a long time and now lives in village Suni. Gurmail Singh has died and he is still visiting their house and Kamaljit Kaur, sister of Laddi who lives in my house has illicit relations with the abovementioned Soni. Above Soni and Kulwinder Kaur wife of Gurmail Singh and their daughter in-law Mandeep Kaur also gave threats to kill me and my family and they also stopped us from going from the way. Due to this enmity, Soni resident of Rajpur Bhayia at present resident of Suni, Kulwinder Kaur wife of late Gurmail Singh, Mandeep Kaur wife of Ravi, Sonu and Ravi sons of late Gurmail Singh, Kamaljit Kaur and her husband Charan Dass after hatching a conspiracy inflicted injuries upon my sons with intention to kill them. Due to which my son, Deepak Kumar died during the treatment at PGI Chandigarh. I and my family are in danger because of them. Legal action be taken against them. I in the presence of my paternal father-in-law Rajiv Kumar, Bikram Singh resident of Possi got my statement recorded, which was read, heard and is correct. Sd/- Seema Rani, Rajiv Kumar, Verified sd/- Sukhwinder Singh Insp/SHO, Police Station Mahilpur, dated 20.7.2020.”.*

3. Learned counsel for the petitioner contends that as per the allegations levelled by the complainant, 14/15 persons, who were duly armed with iron rods, dattar (machete) and swords had come to the shop of injured and the deceased and fled away from the spot after

causing them injuries. He further contends that initially 07 accused were named in the FIR, but none of the accused was challaned in the case. However, after 10 days of the incident, i.e., on 30.07.2020, the statement of Shiv Shant, an injured was recorded and he named several accused including the present petitioner. He further contends that this delay of 10 days in naming the accused by the injured witness dents the credibility of the prosecution case. Learned counsel further contends that Deepak Kumar, since deceased, had suffered 07 injuries, whereas only one injury proved to be fatal and so many persons have been involved by assigning them false roles. Even, the petitioner was arrested in the present case on 12.12.2020 and even after such a long custody, the prosecution has not been able to conclude the prosecution evidence. Moreover, Sukhpreet @ Sukha, Jaskamalpreet Singh, Teja, Gurpreet Singh @ Gopi, Akshay Kumar, Roshan @ Roshan Adhikari and Jasbir Singh @ Giani @ Baba have already been granted the concession of bail vide orders (Annexure P-8 Collectively). Thus, the petitioner deserves to be granted the concession of regular bail.

4. On the other hand, learned State counsel had filed a status report by way of an affidavit of the Deputy Superintendent of Police, District Hoshiarpur and the was taken on record. Learned State counsel submits that the petitioner is the main accused, who had called all other accused to him and, thereafter, serious injuries were caused to sons of the complainant, namely, Deepak Kumar aged 22

years and Shiv Shant aged about 20 years. Even, Deepak Kumar finally succumbed to the serious injuries caused on her person, whereas Shiv Shant, another son of the complainant was also seriously injured. Learned State counsel further submits that during the investigation, the call detail records of the case were collected and it was found that the present petitioner was also present at the place of occurrence. Learned counsel further contends that the petitioner is hardened criminal and is a threat to society. As per his latest custody certificate, the petitioner has been convicted in 12 more criminal cases and the details are as follows:-

*“(i) FIR No. 238 dated 30.06.2023 under Section 52-A Prison Act, Police Station Hoshiarpur.*

*(ii) FIR 65 dated 04.05.2023 under Sections 52-A, 42 Prisons Act, Police Station Sadar, Hoshiapur.*

*(iii) FIR 225 dated 29.12.2017 under Sections 379/411 IPC, Police Station Garh Shankar.*

*(iv) FIR 154 dated 28.12.2017 under Sections 382/34 IPC, Police Station Sadar S.B.S. Nagar.*

*(v) FIR 100 dated 08.10.2019 Under Sections 379-B and 411 of IPC, Police Station Sadar Banga.*

*(vi) FIR 85 dated 11.03.2023 under Sections 22-61-85 of NDPS Act, Police Station City Hoshiarpur.*

*(vii) FIR 86 dated 11.03.2023 under Section 52-A Prisons Act, Police Station City Hoshiarpur.*

*(viii) FIR 23 dated 31.01.2023 under Section 52-A Prisons Act, Police Station City Hoshiarpur.*

*(ix) FIR 229 dated 23.06.2023 under Section 52-A Prisons Act Police Station City Hoshiarpur.*

*(x) FIR 200 dated 16.10.2021 under Section 52-A Prisons Act, Police Station City Hoshiarpur.*

*(xi) FIR 310 dated 25.08.2023 under Section 52-A Prisons Act, Police Station City Hoshiarpur.*

*(xii) FIR 351 dated 08.09.2023 under Section 52-A, 42 Prisons Act, Police Station City Hoshiarpur”.*

Further, the petitioner was also acquitted in the following five cases:-

*“(i) FIR 131 dated 19.12.2017, under Sections 382/34 IPC, Police Station Behram.*

*(ii) FIR 72 dated 07.12.2017 under Sections 394, 511, 325, 341, 323 and 506 of IPC, Police Station Banga.*

*(iii) FIR 223 dated 27.12.2017 under Section 379-B IPC, Police Station Garh Shankar.*

*(iv) FIR 213 dated 18.12.2017 under Section 379-B IPC, Police Station Garh Shankar.*

*(v) FIR 125 dated 24.12.2017 under Section 379-B IPC, Police Station Mehtiana.”.*

and in following one case, the production warrants have been issued:-

*(i) FIR 54 dated 06.09.2017 under Section 394 IPC, Police Station City S.B.S. Nagar”.*

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

6. In the present case, the petitioner was arrayed as an accused on the basis of statement made by Shiv Shant, injured. It is also an admitted fact that Shiv Shant had suffered serious injuries on his person and his presence cannot be doubted, at this stage. Even, he has specifically assigned a role of active participation to the present petitioner. Further, the petitioner seems to be a hardened criminal and only one witness out of 51 witnesses have been examined so far. Thus, the possibility of tampering with the prosecution evidence and influencing the witnesses of the prosecution, cannot be ruled out, at this stage. Thus, keeping in view the gravity of the offence and the criminal background of the present petitioner, the present petition deserves to be dismissed by this Court.

7. Dismissed.

8. The above observations have been made only for the limited purpose of disposal of the present bail application and shall not be construed as an expression of opinion on the merits of the case.

28.04.2025  
amit rana

(N.S.SHEKHAWAT)  
JUDGE

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