

CRM-M-29552-2024 and connected cases

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

CRM-M-29552-2024
Reserved on: 08.07.2025
Pronounced on: 31.07.2025

Harwinder Singh ...Petitioner

Versus

State of Punjab ...Respondent
CRM-M-42570-2024

Kamaldep Singh @ Kabal ...Petitioner

Versus

State of Punjab ...Respondent
CRM-M-43665-2024

Jagsir Singh @ Jaggu @ Jagseer Singh ...Petitioner

Versus

State of Punjab ...Respondent

CRM-M-48848-2024

Gurpreet Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kulwinder Singh, Advocate
for the petitioner(s) in CRM-M-29552-2024.

Mr. Jagtar Singh Sidhu, Advocate
for the petitioner(s) in CRM-M-42570-2024.

Mr. Gaurav Datta, Advocate (Through VC)
Mr. Vaibhav Bhargav, Advocate and
Mr. Jatin Kumar, Advocate
for the petitioner(s) in CRM-M-43665-2024.

Mr. P.S. Sekhon, Advocate
for the petitioner(s) in CRM-M-48848-2024.

Mr. Akshay Kumar, AAG, Punjab.

Mr. J.K. Singla, Advocate and
Ms. Shivani Singla, Advocate
for the complainant.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
9	31.01.2024	Joga, Distt. Mansa	307, 326, 323, 148, 149, 120B IPC

1. This order shall dispose of all the above mentioned petitions. For the sake of brevity, facts have been taken from **CRM-M-29552-2024 titled as Harwinder Singh vs. State of Punjab.**

2. The petitioner(s) incarcerated in the FIR captioned above came before this Court under Section 439 CrPC, seeking regular bail.

3. As per the respective bail petition(s), the accused have no criminal history.

4. The facts and allegations are taken from the translated copy of the FIR attached to the bail petition as Annexure P-1, which reads as follows:

“Copy of statement Jagandeep Singh @ Jony son of Sita Singh son of Dev Singh resident of Tamkot, aged about 28 years, Mob.98787-53636. Stated that I am resident of above mentioned address and doing study in B.A. 2nd in Mai Bhago College, Ralla. In my college Shallypreet Singh @ Shally son of Harnek Singh, Babban Singh and Jaspreet Singh @ Jassu Janku residents of Khayala are also studying. On 30.1.2024 I was going to pay obeisance at Dera Baba Jogi Peer Ralla on my motorcycle bearing No.PB31N-2182 make Hero Splendor. Punjabi University Neighbourhood near Dera Baba Jogi Peer Ralla, Harpreet Singh son of Karnail Singh resident of Tamkot who is son of my uncle met on car. I was going ahead on my motorcycle and Harpreet Singh was going behind me to Dera Baba Jogi Peer. When I parked my motorcycle in front of main gate of Dera, sit down there for paying obeisance and started picking soil, Harpreet Singh separately stopped his vehicle. In the meantime Shallypreet Singh @ Shally son of Harnek Singh armed with iron Dah, Jaspreet Singh @ Jassu Janku armed with Gandasi, Babban Singh armed with normal stick residents of Khayala, Kalu Singh resident of Khayala and four other unknown persons armed with normal sticks came on three motorcycles. Shallypreet Singh said that teach him a lesson to Jagjit Singh for abusing his friend Ram Singh. Today he will not be left alive. On asking this, all these persons with intention to kill me attacked on me and gave several injuries to me with their respective weapons. Shallypreet Singh gave iron "dah" blow on ankle of my right leg. While I was lying down, Jaspreet Singh @ Jassu gave gandasi blow on my ankle of right leg. Remaining persons gave stick blows to me, which hit on my back, left shoulder, left

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bicep, right eye, below the chin, on left leg below the knee, on outer side of ankle of left leg and gave more injuries on my body. Shallypreet Singh and Jaspreet Singh Jassu by giving injuries with their respective weapons amputated my right leg near ankle and my right foot till ankle became separate from my body. I and son of my uncle namely Harpreet Singh raised noise of Maar Dita Maar Dita. People started gathering there, then Shallypreet Singh, Jaspreet Singh, Babban Singh, Kalu Singh and unknown persons fled away from the spot on their motorcycles along with their respective weapons. This incident was of day time at about 3 p.m. Ram Singh Khayala is main person of Shallypreet Singh and other persons. On the asking of Ram Singh they have inflicted injuries to me. Then Harpreet Singh son of my uncle with the help of other persons put me in the vehicle and also pick up and put my right leg amputated from ankle in the vehicle and got me admitted yesterday for treatment at DMC Ludhiana, where I am undergoing treatment. My amputated leg was given to doctor. Cause of grudge is that altercation took place between me, Shallypreet Singh and Jaspreet Singh. I had forgotten the same. By keeping the same grudge in heart by Shallypreet Singh and others, in connivance with each other, gave injuries to me with intention to kill me. Statement has been recorded to you, I am complainant. Legal action be taken against them... ”

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioners and their family.

6. The State's counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply filed in CRM-M-29552-2024, which read as follows:

“3(xii) It is submitted that as per investigation of the present case/FIR, it was found that on 05.02.2024, injured/complainant Jagdeep Singh had got recorded a supplementary statement with the IO, mentioning therein, "I am resident of above mentioned address and I have earlier also got recorded a statement with you on 31.01.2024. In continuation of my earlier statement, I am disclosing you that on 30.01.2024, injuries inflicted by accused Shellypreet Singh etc. along with unknown persons armed with weapons, upon me. Names and addresses of these unknown persons are Harwinder Singh (Petitioner) @Kalu alias Giani son of Gurcharan Singh (Petitioner), Kamaldeep Singh alias Kabal son of Bachittar Singh,

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Harman Singh alias Mundri son of Shingara Singh, residents of Khiala Kalan, Jagseer Singh alias Jaggu Fauji son of Budh Singh, resident of Ralla. Earlier in my statement I had mentioned accused Kalu Singh as resident of Khiala Kalan but his complete address is Kalu @ Gurcharan Singh son of Sukhdev Singh, resident of Khiala Khurd. Apart from this on the day of occurrence a relative of accused Kalu alias Gurcharan Singh namely Gopi Chakerian (Gurpreet Singh) armed with a wooden stick was accompanying them and had participated in inflicting injuries upon me, to whom I can identify, if he is brought in front of me.

Strict action be taken against them." Upon which, in the light of the statement of complainant, petitioner Harwinder Singh @ Kalu was rightly nominated as accused in the present case/FIR."

REASONING:

8. A perusal of the entire evidence, the nature of the allegations, and the brutality with which the accused severed the victim's leg points to the worst form of cruelty conceivable by humans. The allegations are so serious that these accused people chopped off the victim's leg and showed no remorse. None of them, including the petitioner(s), took any steps to take the victim to the hospital or asked the other accused not to be so cruel or brutal. In fact, it is apparent that all the accused were using common object and they are jointly liable for the injuries inflicted to the victim. It is not a case where bail should be granted. If this court grants bail in such a heinous matter, it could erode public confidence in the courts and the slow justice system, which is already burdened with a massive backlog of criminal cases. Simply because the trial is delayed is not a valid reason to grant bail, especially given the cruelty involved in this act.

9. [Cruelty] implies there is something inhuman and barbarous -something more than the mere extinguishment of life.¹ The offense is heinous, and the crime brutal. Cruelty is one of the factors in deciding on bail. A cruel person is more likely to create a lot of insecurity in society. Once the courts form a prima facie opinion that the accused acted with cruelty, then such an accused ordinarily should not be granted bail, and if the courts deem it appropriate to grant, then it must be after specifying the reasons for such an indulgence. In the present case, an analysis of the allegations and evidence collected does not warrant the grant of bail to the accused.

10. A perusal of the bail petition and the documents attached prima facie points towards the petitioners' involvement and does not make out a case for bail. The impact of

¹ In re Kemmler, 136 U.S. at 436 [Refer: Matthew Lippman, Contemporary criminal law: concepts, cases, and controversies, University of Illinois at Chicago, 51, SAGE, California, USA, fourth edition, 2016].

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crime would not justify bail. Any further discussions will likely prejudice the petitioners; this court refrains from doing so.

11. The petitioners' custody of around more than 01 year & 06 months, cannot be termed prolonged, given the minimum sentence prescribed for the offense.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. **Petition(s) dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

31.07.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.