

CRM-M-13503-2015
Date of decision: May 26, 2015

BALBIR SINGH **....Petitioner**

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Narinder Singh, Advocate
for the petitioner.

Mr. J.S. Sekhon, AAG, Punjab
for the respondent-State.

Mr. Ankur Bansal, Advocate
for the complainant.

JASPAL SINGH, J.(ORAL)

This is a petition under Section 439 of Code of Criminal Procedure (for short 'Cr.P.C.' only) by Balbir Singh seeking regular bail in case FIR No.52 dated 25.05.2012, under Sections 302, 341, 323, 324, 506, 148 and 149 of Indian Penal Code, registered at Police Station Lohian, District Jalandhar.

The cause of the dispute between the parties was on account of a passage in the agricultural fields. According to the contents of the FIR, number of persons armed with kirpans, gandasi and some other weapons attacked upon the complainant and caused injuries to him and some other persons. One of the person namely Santokh Singh also lost his life due to the injuries sustained at the hands of the petitioner.

The contention of learned counsel for the petitioner is that as far as the petitioner-Balbir Singh is concerned, though as per the

allegations in the FIR, he was armed with gandasi but no specific injury is alleged to have been caused by him either to the deceased or to any other person. A blow which proved fatal to Santokh Singh has been specifically attributed to Nirmal Singh and Daljit Singh (non-applicants). Similarly situated person namely Lakhvir Singh has already been granted the concession of bail by the Coordinate Bench of this Court vide order dated April 10, 2015 in CRM-M-26760-2014 .

Apart from this, petitioner was arrested in this case on May 31, 2012. Since then, he is suffering incarceration. Challan has already been presented which is pending disposal and the disposal, which is not likely to mature in the near future.

Considering all these aspects of the case but without expressing any opinion on the merits of the case, petition is allowed and petitioner is ordered to be released on bail at the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Jalandhar.

May 26, 2015
m. sharma

(JASPAL SINGH)
JUDGE