

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

CRM-M-17413 of 2015

Date of decision : 08.07.2015

Karan Singh alias Karanjeet

..... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE DARSHAN SINGH

1. Whether Reporters of the local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present: Mr. V.K. Jindal, Senior Advocate with
Ms. Garima Jindal, Advocate for petitioner.

Mr. R.S. Doon, AAG, Haryana.

DARSHAN SINGH, J (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (here-in-after called the 'Cr.P.C.') for grant of regular bail by petitioner Karan Singh alias Karanjeet in case FIR No.208 dated 09.06.2013 under Sections 323, 324, 341, 304 of the Indian Penal Code, 1860 (here-in-after called the 'IPC'), (charge under Section 302 IPC added later on) Police Station Nissing, District Karnal.

2. As per the prosecution allegations, on 08.06.2013 at 08:00 A.M., the present petitioner along with his co-accused armed with their respective weapons caused injuries to complainant Gurlal Singh,

Harwinder Singh son of Gurlal Singh, Mamtaj Singh son of Lakha Singh and Gagandeep Singh son of Jagir Singh due to the land dispute. Harwinder Singh succumbed to the injuries. The present case has been registered on the statement of Gurlal Singh, the father of the deceased. The present petitioner was arrested on 28.06.2013. Since then he is in custody. Hence this petition.

3. Mr. V.K. Jindal, learned Senior Advocate initiating the arguments contended that it is a case of version and cross-version. In fact, Gurlal Singh accompanied by his companions had criminally trespassed in the residential Dera of the accused party, damaged their household articles and also caused injuries to their family members. Serious injuries were caused to Manjeet Kaur wife of co-accused Major Singh. Injuries were also caused to Jasbir Kaur, his mother. He further contended that the blood stained earth has also been lifted by the Investigating Officer outside and from inside the residential Dera of the accused party, which supports the cross-version. He further contended that total ten persons were named by the complainant in the FIR but the challan has been filed only against four persons namely Major Singh, Charat Singh, Ajaib Singh and the present petitioner. The remaining persons have been found innocent, which shows falsity in the prosecution version. Gurlal Singh himself has a criminal record.

4. He further contended that no specific injury on the person of deceased Harwinder Singh has been attributed to the present petitioner. Only a simple injury on the chest of PW Gagandeep Singh has been

attributed to the present petitioner. The injuries to the deceased have been attributed to co-accused Major Singh and Charat Singh. The injuries on the person of deceased have also been attributed to Gurnam Singh and Sahib Singh, who have not been challaned.

5. He further contended that similar allegations were levelled against Ajaib Singh, the father of the petitioner, who has been admitted to bail by the Co-ordinate Bench of this Court in Criminal Miscellaneous No.M-42343 of 2013 decided on 22.12.2014. He contended that petitioner is also entitled to similar concession on the principle of parity.

6. He further contended that the petitioner is in custody for the last more than two years. Only one prosecution witness out of 21 witnesses has been examined and now the application moved by the prosecution under Section 319 Cr.P.C. is pending for consideration. So, virtually the trial has not been initiated and its conclusion will take long time. Thus, the petitioner deserves the concession of bail.

7. On the other hand, learned State counsel pleaded that 17 injuries have been caused to deceased Harwinder Singh. The present petitioner was armed with a sword. In the FIR, it has been mentioned that all the accused caused injuries to deceased with respective weapons. Specific injury has been attributed to the present petitioner on the chest of Gagandeep Singh. Thus, he contended that the petitioner has also played the active role in this occurrence and does not deserve the concession of bail.

8. I have duly considered the aforesaid contentions.

9. The factual position as put forward by learned counsel for the petitioner has not been disputed at bar. The cross-version has been recorded in the statement of Manjeet Kaur wife of Major Singh co-accused. It is also not disputed that the blood stained earth and the blood stained clothes have been recovered from the Dera of co-accused Major Singh and Charat Singh. It is also not disputed that out of ten persons named in the FIR, six have been declared innocent and the report under Section 173 Cr.P.C. has been presented only against four persons including the present petitioner. In the cross-version, it has been alleged that due to some dispute of transformer, complainant Gurlal Singh along with his companions armed with weapons, attacked the residential Dera of Major Singh but this disputed factual position is a matter of evidence, to be decided at the appropriate stage on appreciation of evidence.

10. In the FIR and the statements of witnesses, no specific injury on the person of deceased Harwinder Singh has been attributed to the present petitioner. The only specific injury attributed to the present petitioner is that he has given a sword blow on the left side of the chest of PW Gagandeep Singh, which is stated to be simple in nature. The injuries to the deceased have been attributed to Major Singh, Charat Singh, Gurnam Singh and Sahib Singh.

11. The petitioner in this case was arrested on 28.06.2013. Thus, he is in custody for the last more than two years. It is not disputed that only one witness has been examined out of 21 witnesses so far. An application under Section 319 Cr.P.C. is pending for consideration.

Meaning thereby, the conclusion of the trial will take time.

12. The concession of bail has already been granted to co-accused Ajaib Singh, against whom also, there are similar allegations except the injury to Gagandeep Singh. On the principle of parity, the present petitioner also deserves the similar concession. There is no material record to show that any other criminal case has been registered against the petitioner. There are also no allegation from the side of the respondent - State that there is any apprehension that petitioner will flee away from the trial or tamper with the prosecution evidence.

13. Thus, without further commenting on the merits of the case, the present petition is hereby allowed. Petitioner Karan Singh alias Karanjeet is ordered to be released on bail during the pendency of the trial on furnishing the personal/surety bonds to the satisfaction of the learned trial Court.

08.07.2015

sunil yadav

**(DARSHAN SINGH)
JUDGE**