

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

CRM-M No.32074 of 2015 (O&M)

Date of Decision: 08.10.2015

Sukhwinder Singh @ Joga

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Jasmeet Singh Ghumman, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent along with ASI Raghbir Singh.

JASWANT SINGH, J. (Oral)

The prayer is for grant of regular bail in case FIR No.144 dated 28.12.2008, under Sections 302, 34 of the Indian Penal Code, registered with Police Station Bhogpur, District Jalandhar (**Annexure P-1**).

As per the allegations made by the complainant-Jasvir Singh, Kulwant Singh and his three sons i.e. Sukhwinder Singh @ Joga (petitioner herein) armed with a *Musla Datar*; Sonu armed with *Musla Kirpan* and Harminder Singh @ Jindu armed with *knife (Churri)*, attacked his cousin-Paramjit Singh @ Pamma (since deceased) on account of a previous fight resulting into the death of Paramjit Singh. The said Kulwant Singh is alleged to have raised a lalkara while petitioner (herein) has attributed one injury on the deceased at the foot.

Learned Counsel for the petitioner submits that co-accused Kulwant Singh and Manjit Singh @ Sonu have since been acquitted in appeal whereas co-

accused-Harinder Singh @ Jindu stands convicted and sentenced for five years for an offence under Section 304 Part II, IPC i.e. culpable homicide not amounting to murder. The petitioner is stated to have fled being scared of the other party and was declared proclaimed offender. He stayed away from the proceedings for almost 7 years. He is stated to be in custody since 07.02.2014 and the material witnesses are stated to have been examined. He further submits that at best the petitioner is liable to be convicted under Section 304 Part II, IPC and the petitioner has already undergone 1 ½ years of custody.

Learned State Counsel, on instructions from ASI Raghubir Singh, concedes that the material witnesses have since been examined.

Without commenting on the merits of the case, keeping in view the custody period and the factum of conviction of the co-accused-Harinder Singh @ Jindu under Section 304 Part II, IPC, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail subject to the satisfaction of CJM/Duty Magistrate, Jalandhar.

Disposed of.

October 08, 2015

Gagan

**(JASWANT SINGH)
JUDGE**