

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

CRM-M No.10885 of 2016(O&M)

Date of Decision:-05.05.2016

Kalu Singh @ Dharamvir.

.....Petitioner.

Versus

The State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. A.K. Walia, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab &
Ms. Rimplejit Kaur, Assistant Advocate General, Punjab
assisted by ASI Bhola Singh.

JASWANT SINGH, J (ORAL)

CRM No.14182 of 2016 has been filed for placing on record discharge certificate dated 19.09.2015 as P-4, the case history of Jaswant Singh (since deceased) dated 13.09.2015 as P-5, the affidavit dated 16.02.2016 filed by the prosecution in the case of co-accused Bittu Singh as P-6, the opinion of doctor dated 16.03.2016 qua the cause of death as P-7 stated to be part of challan.

For the reasons stated in the application, the same is allowed and documents Annexures P-4 to P-7 are taken on record.

CRM-M No.10885 of 2016

Prayer is under Section 439 Cr.PC for grant of regular bail to

the petitioner-Kalu Singh @ Dharamvir in case FIR No.91 dated 21.09.2015, under Sections 325/34, IPC and Section 302, IPC (added later on), registered with Police Station Bareta, District Mansa.

For the occurrence, on the night of 04.09.2015, injured/complainant-Jaswant Singh lodged an FIR against two unknown persons having inflicted injuries on his mouth, legs and arms with Dandas at around 2:30 AM when he had gone out in the street for urination. He was taken to the hospital and discharged on the same day. Out of 05 injuries, 01 injury on the left elbow was declared to be grievous in nature.

It is contended that as per the police report/challan the injured Jaswant Singh after treatment of the injuries on the date of occurrence was discharged from the hospital on the same day. Thereafter he suffered a fall on 13.09.2015, as per case history Annexure P-5 and remained admitted in a private hospital from 13.09.2015 till 19.09.2015 as per Annexure P-4. The cause of death as per the opinion of the doctor at Annexure P-7 is “from the consequences of Acute Tubular Necrosis”. It is thus contended that a false case of murder has been foisted upon the petitioner based on an alleged extrajudicial confession made before Gurdeep Singh, Ex MC by all the four accused including the petitioner.

It is next contended that the petitioner is in custody since 16.10.2015 and the evidence of the 23 cited prosecution witnesses is at the initial stage, while similarly placed co-accused Bittu Singh has been enlarged on bail vide order dated 23.02.2016.

Learned State Counsels assisted by ASI Bhola Singh do not dispute the custody period, stage of trial and the fact that co-accused Bittu

Singh has since been released on bail.

Without commenting on the merits of the case, keeping in view the above, custody period and the parity of treatment and the fact that the trial is not likely to be concluded in near future, present petition is allowed and the petitioner Kalu Singh @ Dharamvir is ordered to be released on bail to the satisfaction of learned CJM/Duty Magistrate, Mansa.

Petition stands disposed of.

**(JASWANT SINGH)
JUDGE**

May 05, 2016
Vinay