

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

CRM-M No. 14858 of 2016 (O&M)

Date of Decision: 09.05.2016

Jagsir Singh alias Jaggi

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Jagraj Singh Khiva, Advocate for the petitioner.

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Gurdarshan Singh.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure, is for grant of regular bail on behalf of the petitioner/accused-Jagsir Singh alias Jaggi in case FIR No. 91, dated 21.09.2015, for offences punishable under Section 323 of the Indian Penal Code, further added Sections 325, 34 of the Indian Penal Code and further added Section 302 of the Indian Penal Code, registered at 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 five injuries, one injury on the left elbow was declared to be grievous in nature.

The said complainant-Jaswant Singh subsequently died on 21.09.2015 at his house, leading to the addition of an offence under Section 302, IPC.

During the investigations, on the extra judicial confession made before Gurdeep Singh, Ex-M.C. by four accused persons, namely, Kalu Singh, Gobind Singh, Bittu Singh and Jagsir Singh @ Jaggi (petitioner herein), four accused were arrested.

On the disclosure statement of the accused persons, it has surfaced that the non-applicant/co-accused Kalu @ Dharamvir and Jagsir Singh @ Jaggi (petitioner herein) had caused injuries to deceased-Jaswant Singh, resulting into his death.

The role of the accused-Bittu Singh along with co-accused/non-applicant-Gobind Singh is of conspirators, as also entering the house of deceased-Jaswant Singh and searching the household articles.

It is contended that the case of the prosecution is based on the circumstantial evidence and except the alleged collective extra judicial confession of four accused, there is no incriminating material showing the complicity of the petitioner on record. The said evidence by itself is not sufficient to connect the petitioner with the crime. Still further, it is alleged that as per the police report/challan, said Jaswant Singh on account of the fall on 13.09.2015 was treated in a Private Hospital where he remained till 19.09.2015 and thereafter is alleged to have died at home. It is next contended that the petitioner is in custody since 23.10.2015 and the evidence of 23 cited prosecution witnesses is at the initial stage while similarly placed co-accused-Bittu Singh and Kalu Singh @ Dharamvir have been enlarged on bail vide order dated 23.02.2016 and 05.05.2016, respectively.

Learned State Counsel, assisted by ASI Gurdarshan Singh, does not dispute the custody period of the petitioner, stage of trial and

the fact that co-accused-Bittu Singh and Kalu Singh @ Dharamvir have been released on bail.

Without commenting on the merits of the case, keeping in view the facts noticed above, custody period of the petitioner, stage of trial and parity of treatment, this Court finds that the petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

Disposed of.

May 09, 2016

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**(JASWANT SINGH)
JUDGE**