

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

**CRM-M No.14139 of 2015 (O&M)
Date of Decision:11.01.2016**

Darbara Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sanjeev Manrai, Senior Advocate assisted by
Mr. Tarun Seth, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State assisted by H.C. Parminder Singh.

Mr. B.P.S.Virk, Advocate for the complainant.

JASWANT SINGH, J. (Oral)

Prayer is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused-Darbara Singh in case FIR No.64 dated 23.03.2014, under Sections 304, IPC read with Section 149, IPC as per the police report under Section 173 Cr.P.C., registered with Police Station Sohana, District SAS Nagar.

The deceased-Piara Singh and the present petitioner/accused-Darbara Singh and the other non-applicant/co-accused Manjit Singh are real brothers, having joint land. The other non-applicant/co-accused Harbhajan Singh @ Billu is resident of the same village.

As per the allegations in the FIR lodged on 23.03.2014, on the day of occurrence on 22.03.2014 at around 10:30 AM, father-Piara Singh (since deceased) of the complainant-Rupinder Singh was given beatings by his Chacha Manjit Singh, Darbara Singh and Harbhajan Singh @ Billu, who is a resident of the same Village. It was stated that the blood was oozing out from the nose of the father-Piara Singh and on taking medicines from a

private Clinic, he was looking stable. At about 9:00 PM, his condition deteriorated and was thus shifted to P.G.I. at around 10:15 PM. He is stated to have died on next morning i.e. 23.03.2014 at 7:00 AM, during the treatment.

Learned Counsel for the petitioner contends that as per the first version recorded on 22.03.2014 in the original complaint filed by Rupinder Singh before the police, his version was that he was informed on telephone by his father-Piara Singh that Harbhajan Singh was passing a vehicle through his fields. On objection and stopping the vehicle, he was beaten whereas on the next day after the death, a much improved version was tendered in the FIR. It is further contended that even as per the post mortem examination, Piara Singh had received one injury on the head, which was not bleeding, and another on the chest and the unfortunate death has occurred on account of negligence of the deceased himself by not taking proper treatment. Even the prosecution has been launched under Section 304, IPC and not under Section 302, IPC. It is further contended that the petitioner is in custody since 01.05.2014 and the trial has been unnecessarily delayed due to the deliberate non-appearance of the complainant-Rupinder Singh and thus delaying his testimony.

Learned State Counsel, assisted by HC Parminder Singh and learned Counsel for the complainant submit that most of the evidence of the prosecution is over and, therefore, this is no stage for consideration of the prayer for grant of regular bail.

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

Disposed of.

January 11, 2016

Gagan

**(JASWANT SINGH)
JUDGE**