

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

**CRM-M No.15681 of 2016 (O&M)
Date of Decision: 13.05.2016**

Kuldeep Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. A.K.Walia, Advocate for the petitioner.

Mr. Gaurav Dhir, Deputy Advocate General, Haryana
for the respondent/State assisted by A.S.I. Bharat Singh.

None for the complainant.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused-Kuldeep Singh in case FIR No.83 dated 07.04.2015, under Sections 302, 34 of the Indian Penal Code, registered with Police Station Kalanwali, District Sirsa.

As per the prosecution case, deceased-Gurjant Singh was employed as a Chowkidar in a Primary School in the Village. On 06.04.2015 at around 7 pm after taking his meals he had gone to the school and found the petitioner/accused-Kuldeep Singh and co-accused/non-applicant-Sukhcharan Singh @ Rupi doing exercise in the Gym of the School. Upon objection, they gave beatings to him and caused injuries. Gurjant Singh returned home and went off to sleep. In the early hours of the morning, he was found dead.

It is contended that from the post mortem examination report, it is evident that there were only four injuries of the nature of abrasions/bruises

on the hand and back i.e. non-vital parts of the body. Even as per report of the Doctor, the cause of death has been opined to be a heart attack and therefore, no offence under Section 302, IPC is made out. Further, petitioner is stated to be in custody since 14.04.2015 and evidence of 16 cited prosecution witnesses is yet to commence. It is further contended that similarly placed co-accused/non-applicant-Sukhcharan Singh @ Rupi has since been released on regular bail by this Court, vide order dated 30.03.2016.

Learned State Counsel, assisted by A.S.I. Bharat Singh, is unable to refute the aforesaid factual contentions.

Without commenting on the merits of the case, keeping in view the parity of treatment, custody period and the fact that trial is not likely to be concluded in near future, this Court finds that petitioner/accused 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.

May 13, 2016

Gagan

**(JASWANT SINGH)
JUDGE**