

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

**CRM-M No. 16598 of 2016 (O&M)
Date of Decision: 23.05.2016**

Swaran Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Preetwinder Singh Dhaliwal, Advocate
for the petitioner.

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

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of Cr.P.C., is for grant of regular bail on behalf of the petitioner-accused-Swaran Singh in case FIR No. 95, dated 13.06.2015, for offences punishable under Sections 302, 34 of the Indian Penal Code, registered at Police Station Maur, District Bathinda.

As per allegations of the complainant-Brij Lal, his younger son-Ravnik Kumar was married to Rekha, who is the daughter of the co-accused-Mahinder Kaur alias Mohinderjeet Kaur and *Bhaanji* of Swaran Singh (petitioner herein) and sister of co-accused-Manoj Kumar. There was a matrimonial dispute between said Rekha and Ravnik Kumar and on that account, on 12.06.2015 at about 8:00 p.m., petitioner-accused-Swaran Singh along with co-accused/non-applicants-Manoj Kumar and Mahinder Kaur had visited the house of Ravnik Kumar. In the meanwhile, the elder son of the complainant, namely, Rajinder Kumar came at the house.

Allegations against the petitioner-accused-Swaran Singh and the other co-accused/non-applicants Manoj Kumar and Mahinder Kaur are that on seeing Rajinder Kumar, they got angry and threw chairs at him, which hit him on his chest. The said Rajinder Kumar was taken to the Civil Hospital and is stated to have died.

The role attributed to the petitioner-accused-Swaran Singh and co-accused/non-applicant Manoj Kumar are of having thrown chairs at Rajinder Kumar, which hit him on his chest.

It is contended that as per the MLR, Rajinder Kumar had three superficial injuries on his chest and scratches on his face (allegedly inflicted by the co-accused-Mahinder Kaur). It is next submitted that as per the Post Mortem Report, the cause of death was due to hypertension. Thus, no offence under Section 302, IPC is made out at all.

The petitioner is stated to be in custody since 07.07.2015 and the charges have been framed and evidence of seventeen (17) cited prosecution witnesses is yet to commence. It is further submitted that similarly placed co-accused persons, namely, Manoj Kumar (son of Mahinder Kaur) and Mahinder Kaur alias Mohinderjeet Kaur, have since been enlarged on regular bail by this Court, vide order dated 19.02.2016 and 03.05.2016, respectively.

Learned State Counsel, assisted by ASI Sukhjinder Singh, is unable to refute the aforesaid factual situation, as also the grant of bail to similarly placed co-accused persons.

Without commenting on the merits of the case, keeping in view the custody period of the petitioner, parity of treatment 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 Chief Judicial Magistrate/Duty Magistrate concerned.

Disposed of.

May 23, 2016

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**(JASWANT SINGH)
JUDGE**