

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

**CRM-M No.20957 of 2015 (O&M)
Date of Decision: 22.01.2016**

Darshan Singh

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Mandeep Singh Sachdev, Advocate for the petitioner.

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

JASWANT SINGH, J. (Oral)

Present 2nd petition is for grant of regular bail under Section 439 Cr.P.C. to the petitioner in case FIR No.52 dated 25.05.2012, under Sections 302, 341, 323, 324, 506, 148 and 149 of the Indian Penal Code, registered with Police Station Lohian, District Jalandhar.

The cause of dispute is between two families in the Village on account of closure of a passage after demarcation at the behest of the petitioner/accused-Darshan Singh.

The occurrence is at around 5:00 AM on 25.05.2012 when Santokh Singh (since deceased) was working in his fields. The land of the petitioner/accused-Darshan Singh and his family i.e. the accused party is adjacent to the same and the provocation of them was the knowledge that Santokh Singh had gone to the Civil Court to file a suit.

In the eye-witness account of Surinder Singh, the family of petitioner-Darshan Singh, armed with deadly weapons, had launched an attack on Santokh Singh and on the complainant party, who had tried to save him.

There is a version and a cross-version. However, in the cross-version, only a private complaint is stated to be pending. There are injuries to six persons on both sides.

Learned Counsel submits that the petitioner is allegedly armed with a *Kirpan* and attributed a role of *lalkara* and a simple injury upon the injured-Gurdeep Kaur. He further submits that the co-accused/non-applicant-Lakhvir Singh, with an identical role, has since been granted regular bail by this Court, vide order dated 10.04.2015 (**Annexure P-15**). He further submits that the material witnesses have since been examined. The petitioner is stated to be a senior citizen and in custody since 27.05.2012.

Learned State Counsel, assisted by ASI Pargat Singh, is unable to refute the contention qua grant of bail to the co-accused/non-applicant-Lakhvir Singh and further concedes that only 13 out of 26 prosecution witnesses have since been examined.

Without commenting on the merits of the case, keeping in view the parity of treatment and custody period of almost 04 years, 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 Jalandhar.

Disposed of.

January 22, 2016

Gagan

**(JASWANT SINGH)
JUDGE**