

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

**CRM-M No.2425 of 2016 (O&M)
Date of Decision: 23.02.2016**

Bittu Singh

..... Petitioner

Versus

The State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

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

Mr. R.S.Randhawa, Additional Advocate General, Punjab
for the respondent/State assisted by ASI Darshan Singh.

JASWANT SINGH, J. (Oral)

Present petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused-Bittu Singh in case FIR No.91 dated 21.09.2015, under Sections 325/34, IPC and Section 302, IPC (added later on), registered with Police Station Bareta, District Mansa (**Annexure P-1**).

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 05 injuries, 01 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, namely, Kalu Singh, Gobind Singh, Jagsir Singh and present petitioner/accused-Bittu Singh, all the four accused were arrested.

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

The role of the present petitioner/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 for the blind murder, the present petitioner has been falsely implicated as at one time he was employed with the brother of deceased-Jaswant Singh. It is further 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 and thereafter is alleged to have died at home.

Petitioner is stated to be in custody since 16.10.2015 and after completion of the investigation, challan presented and charges have been framed.

Learned State Counsel, assisted by ASI Darshan Singh, does not refute the aforesaid factual position.

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 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.

February 23, 2016

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**(JASWANT SINGH)
JUDGE**