

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

**CRM-M No.31611 of 2015 (O&M)
Date of Decision: 22.01.2016**

Nirmal Singh

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Narinder Singh, 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 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 co-accused/non-applicant-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 co-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 co-accused-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 for the petitioner submits that the petitioner/accused-Nirmal Singh is in custody since 27.05.2012, allegedly armed with a *Kirpan* and has been attributed *Kirpan* blow on the chest of deceased-Santokh Singh, which has been opined to be cause of his death. He further submits that the material witnesses have since been examined.

The petitioner is stated to be the nephew of co-accused/non-applicant-Darshan Singh.

Learned State Counsel, assisted by ASI Pargat Singh, submits that keeping in view the role of the petitioner, he is not entitled for grant of regular bail and further concedes that only 13 out of 26 prosecution witnesses have since been examined.

At this stage, learned Counsel for the petitioner prays for permission to withdraw the present petition.

Dismissed as withdrawn.

January 22, 2016

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**(JASWANT SINGH)
JUDGE**