

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

**CRM-M No.38811 of 2015 (O&M)
Date of Decision: 06.01.2016**

Beant Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mrs. Baljit Mann, Advocate for the petitioner.

Mr. Mohammad Yousaf, Advocate for respondent No.2/complainant.

JASWANT SINGH, J. (Oral)

Prayer is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused-Beant Singh in a complaint case No.251-1 dated 20.06.2009 titled as “**Jaswant Singh Vs. Tara Singh etc.**”, under Sections 302, 201, 341, 148, 149 of the Indian Penal Code and Sections 25/27/54/59 of the Arms Act, pending before the Court of learned Sub Divisional Judicial Magistrate, Jagraon, District Ludhiana (**Annexure P-7**).

The petitioner along with five other accused, namely, Tara Singh, Jaswinder Singh, Pardeep Singh, Darshan Singh and Jagroop Singh @ Noni have been summoned to face trial for having caused death of Jarnail Singh @ Jaily and Rajdev Singh @ Raja on 02.06.2009 at 3:00 PM in Village Akhara, Tehsil Jagraon, District Ludhiana.

On the basis of the same occurrence, an FIR No.129 dated 02.06.2009 (**Annexure P-1**) was registered at the instance of the aforesaid Tara Singh for the offences punishable under Sections 452, 307, 436, 511, 342, 427, 294, 120-B, 148, 149 of the Indian Penal Code and Sections 25/27 of the Arms Act, Police Station Jagraon, District Ludhiana Rural against 12

persons including the deceased-Jarnail Singh @ Jaily and Rajdev Singh @ Raja along with 8-9 unidentified persons.

It was alleged that the named persons had attacked and tried to burn the house of Tara Singh, who to further save his family, fired shot from his double barrel 12 bore Rifle, which hit Jarnail Singh @ Jaily and Rajdev Singh @ Raja, who subsequently died.

Thus, it is a case of version and cross-version.

The cross-version was investigated by the police and a Cancellation Report was filed, leading to the filing of the aforesaid complaint. The said complaint was dismissed by the trial Court and on a revision being allowed, remanded back for fresh decision. Learned trial Court thereafter have summoned the aforesaid six named accused to face trial in the said complaint.

It is submitted that even as per the version in the complaint, no role of causing any injury to anyone has been attributed to the petitioner except that of pulling the dead bodies into the house of Tara Singh. It is further submitted that the co-accused Jagroop Singh @ Noni, who has been attributed a similar role has since been granted regular bail, vide a detailed order passed by this Court on 28.08.2015.

Learned Counsel for the complainant is unable to refute the fact of grant of bail to co-accused Jagroop Singh @ Noni with a similar role.

Without commenting on the merits of the case, keeping in view the parity of treatment; custody period and the facts as noticed above, this Court finds that petitioner/accused-Beant Singh 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.

January 06, 2016
Gagan

(JASWANT SINGH)
JUDGE