

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

**CRM-M No.39852 of 2015 (O&M)
Date of Decision: 08.02.2016**

Gurvinder Singh @ Lakha @ Toti

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Gurvinder Singh Sidhu, Advocate for the petitioner.

Mz. Rimplejeet Kaur, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Bhola Singh.

JASWANT SINGH, J. (Oral)

Prayer is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused in case FIR No.33 dated 13.05.2015, under Sections 304, 34 of the Indian Penal Code, registered with Police Station Rure Ke Kalan, District Barnala.

As per the eye-witness account of the complainant-Karanjit Singh, his maternal uncle-Ashok Kumar along with his friends i.e. present petitioner/accused-Gurvinder Singh @ Lakha @ Toti and co-accused/non-applicant-Kulvir Singh @ Raju had been consuming liquor almost through out the evening. Somehow, an altercation arose between them, leading to two accused grappling with Ashok Kumar and while giving beatings, they are alleged to have struck the battery of the Maruti Car on the head of Ashok Kumar, resulting into his death.

Although, as per FIR, two unknown persons were also allegedly involved, however, after investigation, the challan and charge was framed only against the present petitioner/accused-Gurvinder Singh @ Lakha @ Toti and co-accused/non-applicant-Kulvir Singh @ Raju under Section 304, IPC.

Learned Counsel for the petitioner submits that death was caused because of the accident which was the first version. The FIR with false averments was lodged after 03 days to falsely implicate the present petitioner. Even in the proceedings under Section 304, IPC, the petitioner is in custody since 26.05.2015 and the complainant has already been examined, thus the prayer is for grant of regular bail.

Learned State Counsel, assisted by ASI Bhola Singh, is unable to refute that it was the only application after 03 days, the FIR was lodged. She also concedes that eye-witness has since been examined.

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 08, 2016

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**(JASWANT SINGH)
JUDGE**