

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

**CRM-M No.4871 of 2016 (O&M)
Date of Decision: 17.02.2016**

Saraj

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for the respondent/State assisted by H.C. Sukhdev Raj.

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.19 dated 11.03.2015, under Sections 304, 34 of the Indian Penal Code and (Section 379, IPC & Section 21(3) of the Mines and Minerals Act, 1957 added later on), registered with Police Station Gidderbaha, District Muktsar (presently under the jurisdiction of Police Station Amir Khas, District Ferozepur.

Shamsher Singh-complainant is the father of deceased-Raja Singh @ Manu, who as per the statement of the complainant, had gone to excavate the sand from the land of the petitioner/accused-Saraj on the night of 08.03.2015. Non-applicant/co-accused Hardeep Singh @ Deepa is the owner of a tractor-trolley whereas non-applicant/co-accused Balraj Singh @ Baja was the driver of the said tractor-trolley.

As per the allegations, the non-applicant/co-accused Rajan was the Driver of a Pope Line Machine, which excavated the sand from the land of the petitioner/accused Saraj and dumped it in the trolley, wherein the

deceased Raja Singh @ Manu was sleeping. The body of the deceased was found when the tractor-trolley was unloaded.

It is contended that as far as the present petitioner/accused Saraj is concerned, no offence for causing the death of the said Raja Singh would be made out.

Learned Counsel for the petitioner further submits that co-accused Balraj Singh @ Baja has since been released on regular bail whereas co-accused Hardeep Singh has been granted interim bail.

The petitioner is stated to be in custody since 15.12.2015 and after investigation, challan has been presented.

Learned State Counsel, assisted by HC Sukhdev Raj, does not dispute the bail granted to co-accused/non-applicants, as also the custody period and supplementary challan qua the petitioner has been presented.

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 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 17, 2016

Gagan

**(JASWANT SINGH)
JUDGE**