

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

**CRM-M No.5364 of 2016 (O&M)
Date of Decision: 04.03.2016**

Darshan Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. A.S.Sullar, Advocate for the petitioner.

Mr. Gaurav Dhir, Deputy Advocate General, Haryana
for the respondent/State assisted by S.I. Raghubir Singh.

JASWANT SINGH, J. (Oral)

Present 3rd petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner/accused-Darshan Singh in case FIR No.22 dated 28.01.2013, under Sections 302, 307, 324, 326, 148, 149, 452, 34 of the Indian Penal Code and Section 3 of the S.C./S.T. Act, registered with Police Station City Narwana, District Jind.

As per the eye-witness account of the complainant-Ram Niwas, over the construction on a disputed plot, a quarrel had occurred wherein present accused-Darshan Singh inflicted a *Spade* blow on the head of Mallo Devi (mother of the complainant) whereas co-accused Bhupender Singh son of the present petitioner is also alleged to have inflicted *Sword* blow on the head of Malo Devi.

It is contended that as per the PMR (**Annexure P-4**), there is incised wound on the left side of occipito-parietal region of the skull of Malo Devi and another dark reddish contusion over the left side of the forehead.

Thus, it is contended that the fatal injury is attributed to the co-accused

Bhupender Singh, moreso when there is no recovery effected from the present petitioner/accused-Darshan Singh. That apart, the petitioner is stated to be in custody since 29.01.2013 i.e. last more than three years.

Learned State Counsel, assisted by S.I. Raghubir Singh, does not refute the custody period and that no recovery is effected from the petitioner.

Without commenting on the merits of the case, keeping in view the role attributed to the petitioner, 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.

March 04, 2016
Gagan

(JASWANT SINGH)
JUDGE