

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

**CRM-M No.8586 of 2016 (O&M)
Date of Decision: 02.06.2016**

Gurdas Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Pratham Sethi, Advocate for the applicant-petitioner.

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

JASWANT SINGH, J. (Oral)

CRM No.18349 of 2016

Prayer is for placing on record the testimonies of the Complainant-Karnail Singh (PW-1) and the Eye-witness-Gurdeep Singh (PW-2) as **Annexures P-13** and **P-14**.

Application is allowed. **Annexures P-13** and **P-14** are taken on record.

Registry is directed to place the documents, which are taken on record, at the proper place and paginate it.

MAIN CASE

Present petition is for grant of regular bail under Section 439 Cr.P.C. on behalf of the petitioner-accused Gurdas Singh in case FIR No.93 dated 26.05.2015, under Sections 324, 323, 34 of the Indian Penal Code (Sections 307 and 302, IPC added later on), registered with Police Station Sadar Fazilka, District Fazilka.

As per the allegations of Karnail Singh-complainant, on 25.05.2015 at around 07:00 PM, his son-Buta Singh was standing outside their house. In front of the said house, there is a cattle field where the accused party ties their cattles and his son-Buta Singh was accused of intentionally standing in the street in front of the said cattle field whenever the female members of the accused party used to go to the field. On the day of the occurrence, the co-accused/non-applicants Rano Bai, who is the wife of the petitioner-accused raised a *lalkara* to teach Buta Singh a lesson. Thereupon, co-accused Gurdeep Singh s/o Hansa Singh gave a direct *Gandasi* blow on the head of Buta Singh, co-accused Joginder Singh s/o Hansa Singh gave a *Dang* blow towards the complainant, which hit him on the middle finger of the right hand and another blow on the left shoulder. Thereafter, the petitioner-accused Gurdas Singh picked up a brick bat and gave a blow on the left side of the back of the complainant. Co-accused Gurdeep Singh then inflicted a *Gandasi* blow on the right index finger of the complainant. Thereupon, the complainant fell down and also received injury on his right knee.

Learned Counsel for the petitioner contends that for the occurrence, there is a version and a cross-version and from the accused party, the co-accused/non-applicants Gurdeep Singh, Rano Bai, Joginder Singh and the petitioner-accused Gurdas Singh all have received injuries. A sudden scuffle had occurred at the site and injured-Buta Singh had received a single *Gandasi* blow on his head from the co-accused Gurdeep Singh, resulting into his subsequent death and thereby addition of the offence under Section 302, IPC after one month of the occurrence on 29.06.2015. It is next submitted that the petitioner-accused was unarmed and is alleged to have picked up a brick bat and inflicted an injury on the back of the complainant, which has been opined to be simple in nature. It is thus

submitted that it is yet to be determined as to which party is the aggressor and whether the occurrence would attract the offence under Section 302, IPC.

The petitioner-accused is stated to be in custody since 05.06.2015 and the material witnesses i.e. complainant-Karnail Singh (PW-1) and eye-witness Gurdeep Singh (PW-2) have since been examined.

Learned State Counsel, assisted by ASI Baljit Singh, does not dispute the factual position including the role attributed to the petitioner, the custody period and that the material witnesses have since been examined.

Without commenting on the merits of the case, keeping in view the above and the custody period, 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.

June 02, 2016
Gagan

(JASWANT SINGH)
JUDGE