

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

CRM-M No. 9757 of 2016 (O&M)

Date of Decision: 01.04.2016

Harjinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. P.B.S. Goraya, Advocate
for the petitioner.

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for the respondent/State assisted by SI Gulzar Singh.

Mr. L.S. Sidhu, Advocate
for the complainant.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure, is for grant of regular bail on behalf of the accused/petitioner-Harjinder Singh in case FIR No. 148, dated 28.06.2014, for offences punishable under Sections 302, 307, 323, 324, 452, 201, 148, 149, Indian Penal Code and Sections 25, 27, 54, 59 of Arms Act, registered at Police Station Sadar Tarn Taran, District Tarn Taran.

Complainant party and the accused party comprising of the family of Pal Singh are neighbours, residing in their agriculture fields. The dispute erupted over the cleaning and the blockages of the common water channel/drain. Main accused-Pal Singh is alleged to have fired a single shot from a country-made pistol on Lakhbir Singh, causing his instant death. The entire family of Pal Singh i.e. his two sons,

namely, Nishan Singh and Harjinder Singh (present petitioner), his wife Kulwant Kaur, minor daughter Rajbir Kaur and his brother Rasal Singh, have been nominated as accused and allegedly armed with deadly weapons.

It is contended that the petitioner has been falsely roped in the present case being son of main accused-Pal Singh. Even as per FIR, the petitioner allegedly armed with 12 bore gun qua which concededly, no recovery has been effected and no overt-act of any kind is attributed to the petitioner. It is further contended that the petitioner is in custody since 20.07.2014 and similarly placed co-accused/non-applicant-Nishan Singh has been enlarged on bail vide order dated 26.02.2016, passed by this Court.

Learned State Counsel, assisted by SI Gulzar Singh, is unable to refute the aforesaid factual position and further submits that the evidence of twenty-five (25) cited prosecution witnesses is yet to commence.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period of the petitioner; parity of treatment and the fact that the trial is not likely to be concluded in near future, 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 Chief Judicial Magistrate/Duty Magistrate concerned.

Disposed of.

April 01, 2016

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**(JASWANT SINGH)
JUDGE**