

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

1. CRM-M No.18325 of 2016

Sahab Singh

... Petitioner

Versus

State of Haryana

... Respondent

2. CRM-M No.44545 of 2016

Gurbaj Singh

... Petitioner

Versus

State of Haryana

... Respondent

3. CRM-M No.4208 of 2017

Mehar Singh

... Petitioner

Versus

State of Haryana

... Respondent

Date of decision: 21st February, 2017

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. R.S. Rai, Senior Advocate with
Mr. D.S. Brar, Advocate and
Mr. K.S. Dhaliwal, Advocate for the petitioners.

Mr. Munish Sharma, Asstt. Advocate General, Haryana
for the respondent/State.

Mr. Amit Khatkar, Advocate for the complainant.

FATEH DEEP SINGH, J.

Since all these three regular bail application under Section 439 Cr.P.C. have arisen out of the same very case, are thus being disposed off together.

The brief allegations brought to the notice of the Court are that during the course of Panchayat elections on 09.01.2016 persons from the rival contestants were canvassing when the complainant side comprising of Jaswant Singh, his nephew Pritam Singh who was contesting the elections, Karamjeet Singh, Gujjar Singh, Shisha Singh and Azad Singh were going home after canvassing and near Harijan Temple they were accosted by accused petitioners Mehar Singh, Gurbaj Singh son of Joga Singh and Mehar Singh along with their co-accused Navdeep Singh husband of rival candidate Karamjot Kaur, Jodhvir, Kulbir, Kulwant, Major Singh, Hoshiar Singh, Bhupender, Janpal, Amritpal, Balwinder, Gurbaz Singh son of Nazar Singh, Ranjit Singh, Beant Singh, Hardeep Singh and Jodha Singh who all blocked their passage in the street and when the complainant asked the reason it is alleged that Navdeep Singh co-accused of the petitioners raised lalkara that *'no one should escape and we will make you Sarpanch'* on which all of them attacked the complainant side and during which it is alleged that Jodhvir gave a blow of Balam on the chest of Azad Singh who fell down leading to his death whereas Navdeep Singh gave another blow of Gandasa hitting the complainant on the left ear. Amritpal gave a blow of Balam hitting Karamjeet Singh whereas Gujjar Singh was hit with a brick by Kulbir and thereafter in the melee everybody started hurling brickbats.

Learned counsel for the petitioners have argued that the petitioners are in custody since a long time and the trial is not likely to conclude in the near future and that no role is attributed to the petitioners in commission of the offence and it is a single blow attributed to co-accused of the petitioners which led to the alleged death and thus, being a case of free-fight, petitioners cannot be held vicariously liable for the same.

The bail applications are stoutly opposed by learned State counsel accompanied by Mr.Amit Khatkar, Advocate representing the complainant on the grounds that there are specific allegations of common object in assembly by the accused side who have blocked the passage and thereafter on exhortation have attacked the complainant side leading to injuries and death and if allowed bail they would influence the witnesses and has placed on record copy of the FIR registered subsequently when witnesses have been attacked by the accused side to intimidate them.

Appreciating the submissions, the very factum of liability of the petitioners qua the act of their co-accused can only be appreciated at the time of trial. The mere allegations on the face of it together with the heinousness of offence and seriousness of the allegations and the subsequent conduct of the accused side whereby they have sought to intimidate the witnesses are circumstances which impinge the judicial

conscience and the mere period of incarceration is no ground to allow bail.

There is no merit in any of the petitions, thus the same stand dismissed. Records be sent back.

(FATEH DEEP SINGH)
JUDGE

February 21, 2017
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No