

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

CRM-M-40402 of 2017
Date of Decision: 14.11.2017

Teja SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Piyush Sharma, Advocate, for the petitioner.
Mr. A.S. Sandhu, Addl. A.G., Punjab.

RAMENDRA JAIN, J. (ORAL)

Prayer in the instant petition under Section 439 Cr.P.C. has been made for grant of regular bail to petitioner Teja Singh in a case arising from FIR No.169 dated 03.07.2015 registered under Sections 323, 148, 149 IPC and subsequently added Section 302 IPC at Police Station Sadar Ferozepur, District Ferozepur.

In nutshell, on 01.07.2015, three incidents took place at different places. The FIR initially was recorded on the statement of complainant Sardool Singh, injured qua the occurrence took place around 6:00 p.m., in which, according to the complainant, Teja Singh gave a '*dang*' blow on the left lower back of complainant Sardool Singh, which was declared simple in nature.

Second occurrence, narrated by Sawaran Singh, took place on the same day around 6:15 p.m. at a different place. In the second occurrence, petitioner was not named by injured Sawaran Singh. However, after 15 days, complicity of the petitioner was shown by injured Dayal Singh. According to him, the petitioner gave a sword blow from its reverse side on his right thigh, which, according to the MLR, was shown as a swelling.

Qua the third occurrence, which took place around 6:30 p.m. on the same day at a different place, the statement of Smt. Santosh Kaur widow

of deceased Sukhdev Singh was recorded, who died after five days of the occurrence on account of the injuries allegedly caused to him by co-accused Harmesh Singh.

Learned counsel for the petitioner *inter alia* contends that the petitioner is in custody since July, 2015. As on today, only medical officer has been examined, out of total 13 prosecution witnesses. The complicity of the petitioner has not been shown in the death of Sukhdev Singh. He has been attributed only a sword blow to injured Dayal Singh that too not on his vital part and has been declared simple in nature. Co-accused Piara Singh, Binder Singh and Channa Singh have been granted regular bail by this Court.

On the other hand, learned State counsel vehemently opposed prayer for grant of regular bail to the petitioner submitting that the petitioner has been booked under Section 302 IPC with the aid of Section 149 IPC. Therefore, he is equally responsible for the murder of Sukhdev Singh along with his co-accused especially Harmesh Singh.

Considering over-all facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner is ordered to be released on bail treating his case on the same parity as that of his co-accused, on his furnishing bail bonds and surety bonds, to the satisfaction of Trial Court/Duty Magistrate concerned.

November 14, 2017
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No