IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14648-2018
Date of Decision: 19th April, 2018

Randhir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. N.S. Sodhi, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

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AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.83, dated 25.12.2017, registered at Police Station Badali Ala Singh, under Section 304 of the Indian Penal Code.

It is the contention of the learned counsel for the petitioner that the petitioner was arrested on 26.12.2017 and since then, he is in custody. As per the FIR, there was a scuffle between the deceased and petitioner, who was along with Harwinder Singh. It is asserted that fist blows are alleged to have been given to the deceased by the petitioner along with Harwinder Singh, the driver of the canter, while deceased was sitting on the tractor-trolly. He contends that no weapon as such was used for the process. That apart, he asserts that since the side mirror of the tempo, which was being driven by Harwinder Singh, was broken because of the tractor-trolly

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hitting the side of the tempo, Harwinder Singh along with petitioner followed the said tractor and after having stopped it, had given fist blows to the deceased. Counsel contends that till date, report of *visra* has not yet come, however, in the post-mortem report, there is no injury on the person of the deceased. He states that the trial is not likely to conclude soon as challan has only been presented but charges, till date, have not been framed. He, therefore, prays for grant of regular bail to the petitioner during the pendency of the trial.

Counsel for the State, on instructions from S.I. Jaswant Singh, P.S. Badali Ala Singh, District Fatehgarh Sahib, could not dispute the assertions as have been made by the counsel for the petitioner. He, however, states that because of the beatings given by the petitioner along with the co-accused, the person had died and therefore, he should not be granted the concession of bail.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that it was a sudden scuffle, which had taken place, where fist was used for giving beatings to the deceased as also the fact that no prosecution witness having been examined, even the charges having not been framed, the trial is not likely to conclude in near future, continuation of the petitioner in custody would not serve any useful purpose.

In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

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Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

(AUGUSTINE GEORGE MASIH)
JUDGE

19th April, 2018
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Whether speaking/reasoned:	**Yes/No**
Whether Reportable:	**Yes/No**

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