

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

Sr. No.107+212

**CRM No.38877 of 2018 in/and
CRM-M-28629 of 2018
DECIDED ON: November 01, 2018**

HAZARA SINGH

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

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

Mr. K.S. Sidhu, DAG, Punjab.

Mr. Manuj Nagrath, Advocate,
for the complainant.

SUDHIR MITTAL, J. (ORAL)

CRM No.38877 of 2018

This is an application for placing on record Annexures P-6 to
P-9.

Notice of motion.

Mr. K.S. Sidhu, DAG, Punjab accepts the notice on behalf of
respondent No.1-State. Mr. Manuj Nagrath, Advocate also accepts notice
on behalf of the complainant. They have no objection in case the same is
allowed.

**CRM No.38877 of 2018 in/and
CRM-M-28629 of 2018**

Application is allowed and annexures P-6 to P-9 are taken on record subject to all just exceptions.

CRM-M-28629 of 2018

The petitioner seeks regular bail in FIR No.8, dated 16.01.2016, registered at Police Station Doraha, District Ludhiana under Sections 307, 323, 325, 506, 148, 149, 201, 120-B IPC (Section 362 IPC added later on).

Learned counsel for the petitioner submits that the investigation in this case is complete but the trial is not likely to be concluded at an early date as only one PW has been examined till date. The petitioner has been in custody for almost two and a half years. The allegation against the petitioner is that he gave a danda blow on the head of the deceased namely Mewa Singh. The said injury did not cause the death of Mewa Singh, who was killed on account of being run over by a tractor driven by Gurjant Singh. Co-accused Gurpreet Singh has been granted bail by this Court and thus, the petitioner be also released on regular bail. Further, this is the case of version and cross-version and the petitioner and other co-accused have also suffered injuries.

Custody certificate dated 18.07.2018 prepared by Iqbal Singh Dhaliwal, PPS, Deputy Superintendent, Central Jail, Ludhiana has been filed in Court. The same is taken on record. According to the certificate, the petitioner has undergone actual custody of 02 years, 05 months and 26 days. There is one other case under Section 138 Negotiable Instrument Act, 1881 pending against him.

The prayer for grant of bail is opposed by learned State counsel as well as learned counsel for the complainant. They submit that death was caused on account of shock and haemorrhage caused to vital organs of the

**CRM No.38877 of 2018 in/and
CRM-M-28629 of 2018**

body i.e. the brain. The petitioner has struck the deceased with a dang and the said injury may have contributed to his death. The person, namely Gurpreet Singh, who has been granted bail is not accused of having caused any injury on the head and thus, the case of the petitioner is not at par with his case. Bail application of other accused have been rejected by this Court. Thus, the present petition also deserves dismissal.

From the arguments of counsel for the parties as well as postmortem report of Mewa Singh, it is evident that death was caused on account of head injury. The petitioner has also allegedly given a dang blow on his head. The injury caused by the petitioner may have also contributed to the death of Mewa Singh. His case is not at par with the case of co-accused Gurpreet Singh. Thus, he cannot seek any relief on the basis of parity.

The petition has no merit and is accordingly dismissed. However, keeping in view the fact that the petitioner has been in custody for 02 years, 05 months and 26 days and only one PW has been examined till date, the trial Court is directed to expedite the trial.

November 01, 2018
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No