

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

**Criminal Misc. No. M-29694 of 2018
Date of decision: 28.11.2018**

Rashpal Singh and another

..Petitioners

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. H.S. Batth, Advocate for the petitioners.

Mr. Amit Mehta, Sr. DAG, Punjab
for the respondent-State.

Daya Chaudhary, J. (Oral)

The present petition has been filed by petitioners, namely, Rashpal Singhand Balkar Singh under Section 439 Cr.P.C. for grant of regular bail to them in case FIR No.153 dated 29.06.2017 registered under Sections 323, 452, 450, 148, 149 IPC and Section 302 IPC added later on at Police Station Bhikhiwind, District Tarn Taran during pendency of the trial.

Learned counsel for the petitioners submits that as per version of the prosecution, occurrence took place on 22.06.2017 and FIR was registered on 29.06.2017. There is an unexplained delay of seven days in lodging of the FIR. Learned counsel further submits that the deceased himself was the complainant and died subsequently because of injuries received by him. After receiving the X-ray report, injuries No.1 to 3 were declared simple in nature and remaining injuries are also simple. Learned counsel also submits that complainant himself got admitted in the hospital on 17.07.2017 and it was informed to the doctors that he has fallen from the tree about 15 days back and was feeling weakness. Learned counsel also submits that two material witnesses, who are the sons of the deceased, have not supported the case of the prosecution. Co-accused of the petitioners,

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namely, Sarabjit Kaur, Baljinder Kaur, Gurwinder Singh and Sukhwinder Singh have been released on regular bail by this Court vide order dated 04.06.2018 passed in Criminal Misc. No. M-8271 of 2018. The petitioners are in custody since 06.08.2017 and no purpose would be served by keeping them in custody.

Learned State counsel has not disputed the custody period; grant of regular bail to co-accused as well as the fact that two material witnesses, who are the sons of the deceased, have not supported the case of the prosecution.

Heard arguments of learned counsel for the petitioners as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file including the statement of material witnesses.

Keeping in view the submissions made by learned counsel for the petitioners that the petitioners are in custody since 06.08.2017; two material witnesses, who are the sons of the deceased, have not supported the case of the prosecution; co-accused of the petitioners have been released on regular bail by this Court; the trial may take time to conclude; no purpose would be served by keeping them in custody, the present petition is allowed and the petitioners (Rashpal Singh and Balkar Singh) are directed to be released on regular bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court.

28.11.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No