

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

CRM-M No.31434 of 2018

Date of Decision: 01.08.2018

Gursewak Singh

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Kulwinder Singh, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. D.A.G., Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed by petitioner-Gursewak Singh under Section 439 Cr.P.C for grant of regular to him in case FIR No.64 dated 08.07.2017 registered under Sections 324, 323, 342, 148, 149 IPC and Sections 302, 365 IPC (which have been added later on) at Police Station Ghanaur, District Patiala.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case at the instance of the complainant, whereas, no case is made out against him. All offences are bailable except the offence under Sections 302/365 IPC.

As per prosecution version, deceased Jagtar Singh was discharged from the hospital in a satisfactory condition by the doctor on 10.07.2017 and he died at home on 11.07.2017. Learned counsel also

submits that nothing is to be recovered from the petitioner and he is not required for any purpose. Petitioner is in custody since 24.10.2017 and no useful purpose would be served by keeping him behind the bars. Learned counsel further submits that co-accused of the petitioner, namely, Labh Kaur has been released on regular bail vide order dated 07.06.2018. There is no other case pending against the petitioner except the present one.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner but the custody period has not been disputed. The specific allegations are there against the petitioner that he gave *kulhari* blow on the wrist of right arm of the complainant. The injured himself got registered the FIR and it cannot be said that it is a case of false implication.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

The FIR, in question, was registered on the basis of statement made by the complainant, who is deceased and he died because of the injuries suffered by him. As far as case of co-accused, namely, Labh Kaur and Ranjeet Kaur are concerned, they were released on regular bail by considering that both are ladies and they were attributed simple injuries.

In the present case, the petitioner cannot claim parity as the injury attributed to him is on the wrist of right arm of the complainant. No other accused has been released on regular bail except two lady accused. The offence under Sections 302 and 365 of IPC were added during investigation. The material witnesses have not been examined so far.

Accordingly, by considering the role of the petitioner; the

seriousness of offence and also the stage of the case, no ground is made out to release the petitioner on regular bail and the petition is hereby dismissed.

01.08.2018
gurpreet

(DAYA CHAUDHARY)
JUDGE

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