

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-31351 of 2017
Date of decision : August 13, 2018

Mehar Singh

....Petitioner

versus

The State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. R.S.Rai, Senior Advocate with
Mr. Rituraj Singh, Advocate, for the petitioner

Mr. Siddarth Sanwaria, DAG, Haryana for the State/respondent

Mr. Amit Khatkar, Advocate for the complainant

Fateh Deep Singh, J. (Oral)

The allegations against petitioner Mehar Singh in this second regular bail application under section 439 Cr.P.C. are that on 9.1.2016 at the village Panchayat elections, the accused side as well as the complainant side during the course of canvassing accosted each other leading to encounter. As per the allegations levelled by complainant Jaswant Singh while they were coming, accused consisting of present petitioner Mehar Singh, Gurbaj Singh son of Joga Singh, Navdeep Singh husband of rival candidate Karamjot Kaur, Jodhvir, Kulbir, Kulwant, Major Singh, Hoshiar Singh,

Bhupender, Janpal, Amritpal, Balwinder, Gurbaz Singh son of Nazar Singh, Ranjit Singh, Beant Singh, Hardeep Singh and Jodha Singh blocked their way. It is alleged that Navdeep Singh co-accused non-applicant has raised lalkara that '*no one should escape and we will make you Sarpanch*'. It is stated that Jodhvir gave a blow of Balam on the chest of Azad Singh who fell down leading to his death whereas Navdeep Singh gave another blow by means of Gandasa hitting on the left ear of the complainant followed by blow of Balam by Amritpal hitting Karamjeet Singh and at that point of time brick bats were hurled by the accused. In the melee injuries were also caused to others as well. In this episode Azad Singh died leading to arrest of the petitioner on 14.2.2016.

Mr. R.S. Rai, Senior Advocate assisted by Mr. Rituraj Singh, Advocate has contended that the petitioner is behind the bars for the last two and half years and there is no likelihood of speedy trial on account of pendency of revision petition in which stay orders have been passed by this Court and that no role is attributed to the present petitioner and he is only a mute spectator. Though the factual story is not disputed by the learned State counsel assisted by Mr. Amit Khatkar, Advocate for the complainant, however, a fervent prayer has been made that the parties are still at loggerhead and there is likelihood of another spurt of encounters between the two sides and if the petitioner is allowed bail, he would influence the witnesses.

Appreciating the submissions, keeping in view that as per the

own allegations of the prosecution no role is attributed to the petitioner who is unarmed in the commission of offence and the petitioner is behind the bars for the last two and a half months. In view of stay orders, the trial has been put to hold and there is no likelihood of speedy disposal of the matter. Without feeling the necessity to advert on the merits, lest it may prejudice the rights of the parties, it would be in the fitness of things, if the petitioner is allowed the concession of bail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Jind.

The present petition stands disposed off accordingly.

The observations made herein above shall not be binding on the trial court at the time of trial as these are purely for the disposal of the present bail application.

August 13, 2018
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No