

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision : October 09, 2018

1. Criminal Misc. No. M-36362 of 2018

Janpal Singh

....Petitioner

versus

State of Haryana

....Respondent

2. Criminal Misc. No. M-36840 of 2018

Gurbaj Singh

....Petitioner

versus

State of Haryana

....Respondent

3. Criminal Misc. No. M-37100 of 2018

Sahab Singh

....Petitioner

versus

State of Haryana

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Rajesh Khandelwal, Advocate, for petitioner-Janpal Singh

Mr. Deepinder Brar, Advocate for

Mr. Gautam Dutt, Advocate, for petitioner-Gurbaj Singh

Mr. K.S.Dhaliwal, Advocate for petitioner-Sahab Singh

Mr. Vikrant Pamboo, DAG, Haryana for the State with
SI Malkeet Singh, PS Safidon, District Jind

Mr. Amit Khatkar, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

This order shall dispose of the first bail application of accused-petitioner Janpal Singh, second bail applications of accused-petitioners Gurbaj Singh and Sahab Singh filed under Section 439 Cr.P.C. seeking regular bail in case FIR No. 14 dated 9.1.2016, under Sections 148, 149, 302, 323, 341 IPC, registered at Police Station Safidon, District Jind.

The allegations of the prosecution as has been brought to the notice of the Court by Mr. Vikrant Pamboo, DAG Haryana assisted by Mr. Amit Khatkar, counsel for the complainant are that on 9.1.2016 while canvassing for Panchayat elections, the complainant side headed by Jaswant Singh and the other by the accused happened to accost each other and it is alleged that the accused comprising of petitioners Gurbaj Singh, Sahab Singh and Janpal Singh along with non-applicants co-accused Mehar Singh, Navdeep Singh, Karamjot Kaur, Jodhvir, Kulbir, Kulwant, Major Singh, Hoshiar Singh, Bhupender, Amritpal, Balwinder, Ranjit Singh, Beant Singh, Hardeep Singh and Jodha Singh, all the accused blocked the way of the complainant side. The allegations further are that Navdeep Singh co-accused raised lalkara that *'no one should escape and we will make you Sarpanch'* on which it is alleged that Jodhvir gave a blow of Balam on the chest of Azad Singh, as a consequence of which he died. Navdeep Singh is attributed another blow by means of Gandasa on the left ear of the complainant followed by blow of Balam by Amritpal hitting Karamjeet Singh and it is alleged that thereafter the remaining accused had hurled

brick bats on the complainant side.

The bail applications are opposed on the grounds that the trial is under way and if allowed bail, the petitioners would influence the witnesses and thus would subvert the due process of law.

Mr. Rajesh Khandelwal, Advocate; Mr. Deepinder Brar, Advocate and Mr. K.S.Dhaliwal, Advocate, counsel for the petitioners have made submissions that accused Janpal is behind bars since 02 years, 08 months and 12 days, accused Gurbaj Singh since 02 years, 07 months and 25 days and accused Sahab Singh since 02 years, 08 months and 27 days as per custody certificates placed on record by the learned State counsel and have sought to place reliance on orders dated 13.8.2018 whereby similarly placed co-accused Mehar Singh has been allowed regular bail by this Court.

Going through the arguments of the two sides and bare perusal of the allegations contained in the FIR and which stand duly conceded by the learned State counsel, no role is attributed to any of the three petitioners in the commission of the offence. It is further conceded by Mr. Amit Khatkar, counsel for the complainant that in another petition filed by the complainant, proceedings before the trial court have been put to hold. Keeping in view that the petitioners have not been attributed any role and in view of principle of parity whereby co-accused Mehar Singh has been allowed regular bail by this Court together with the fact that the trial is not likely to be concluded in near future and the petitioners have already

undergone substantial period of incarceration impels this Court to allow the concession of bail to all the petitioners.

In view of aforesaid, all the three petitions are allowed. Petitioners are ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Jind.

All the three petitions stand 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.

October 09, 2018

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**(Fateh Deep Singh)
Judge**

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No