

CRM-M-44238-2017 (O&M)

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

CRM-M-44238-2017 (O&M)

Date of Decision: 14th March, 2018

Dilpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Gulzar Mohd., Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Mr. Amit Dhawan, Advocate
for the complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CRM-8841-2018

Application is allowed, subject to all just exceptions.

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Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.113, dated 14.08.2016, registered at Police Station Maqsudan, District Jalandhar, under Sections 302, 323, 324, 326, 148 and 149 of the Indian Penal Code and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

It is the contention of the learned counsel for the petitioner that the allegation against the petitioner is limited to the extent of causing injury

by *datar* which hit on the left hand of complainant-Paramvir Singh @ Pamma, where little finger was cut and start hanging. He contends that the petitioner was arrested on 08.11.2016 and the trial was going on, when an application under Section 319 of the Code of Criminal Procedure was moved by the prosecution, which has been allowed by the learned trial Court, where additional accused were summoned for 23.01.2018, on which date, two of the summoned additional accused put in appearance but Jaswinder Singh had not appeared, because of which, proceedings under Section 82 of the Code of Criminal Procedure have been initiated for declaring him as proclaimed offender. He contends that the trial may start *denovo* in the light of the appearance of additional accused. No recovery has to be effected from the petitioner and his further custody would not serve any fruitful purpose. He, therefore, prays for grant of regular bail to the petitioner.

Learned counsel for the complainant as well as counsel for the State have vehemently argued that as per the FIR, allegation against the petitioner is not only of causing injury on the person of complainant but he was also involved in giving beatings to deceased-Kulwinder Singh @ Mao. The petitioner along with the others were, therefore, involved in not only causing injury to the complainant but had contributed towards beating the deceased as well. It is contended that deceased-Kulwinder Singh has been brutally murdered by the petitioner and others and therefore, he should not be granted the concession of regular bail, however, the factual assertions with regard to the arrest of the petitioner on 08.11.2016 and his continuation

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in custody since then apart from the additional accused having been summoned and the initiation of proceedings for declaring Jaswinder Singh as proclaimed offender, have not been disputed.

Keeping in view the fact that no specific role has been attributed as far as the beating of deceased-Kulwinder Singh is concerned when specific injury on the person of Kulwinder Singh has been attributed to Gurwinder Singh @ Pinder and Aman Jeba only and also in the light of the facts that the injury which is attributed specifically to the petitioner would attract Sections 326 and 323 of the Indian Penal Code, the petitioner being in custody since 08.11.2016 with additional accused having joined the proceedings, the trial is not likely to conclude soon and continuation of the petitioner in custody, therefore, would not serve any fruitful purpose, especially when no further recovery has to be effected from him. The present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

Any observation made herein-above shall have no bearing on the merits of the case during the trial.

14th March, 2018
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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