

**In the High Court for the States of Punjab and Haryana  
At Chandigarh**

CRM-M-28579-2018 (O&M)  
Date of Decision:- 25.2.2019

Bachittar Singh

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

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

Mr. Randhir Singh Thind, DAG, Punjab.

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**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner seeks grant of regular bail in respect of FIR No.142, dated 2.11.2016, registered at Police Station Gharinda, Amritsar, District Amritsar, under Section 304/34 of IPC (Section 302 IPC added later on).
- 2 The FIR was lodged at the instance of Dalbir Singh wherein it has been alleged that on 17.10.2016 at about 5 a.m., he received information that his son Sagar Singh is in the house of Babu and who has been given beatings by Bachittar Singh, Nishan Singh, Sunny and Babu with hockey, baseball and stick. It is alleged that when the

complainant went to the house of Babu along with Daljit Singh, he found his son in injured condition and took him to hospital where he succumbed to his injuries.

3. Learned counsel for the petitioner has submitted that a perusal of the post mortem report shows that the following 2 injuries were found on the person of the deceased:

- “1. Brownish black scabbed abrasion 1.1 x 0.4 CM with scab falling from the periphery present over the nasal, bridge 2.2 CM below root of nose pinkish white scar is present at the site from where scab has fallen.
2. Blackish brown to purplish bruise present in an area of 7.2 x 5 CM over the outer aspect of heel.”

4. It has been submitted that while one of the injury is on the foot, the other injury is on the nose and that the cause of death is opined to be failure of brain and cannot be related to the alleged injuries. It has further been submitted that the petitioner in any case has been behind bars since the last 2 years and 4 months.
5. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and a baseball bat has been recovered from him, no case for grant of bail is made out. It has further been informed that initially only two of the accused including the petitioner had been arrested and that now during trial, the remaining two accused also stand arrested and fresh charges have been framed on 9.1.2019.

6. I have considered rival submissions addressed before this court. The FIR is based on the information received by the complainant to the effect that his son has been caused injuries. Learned State counsel has not been able to point out a to whether there is any eye witness to the occurrence. In any case, I find that the petitioner has been behind bars since the last about 2 years and 4 months and now consequent upon arrest of remaining accused a de-novo trial has commenced which would certainly lead to further incarceration of the petitioner. Bearing in mind the aforesaid facts and circumstances of the case in mind especially the period of custody, the petition is accepted and petitioner-Bachittar Singh is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
7. This petition stands accepted accordingly.
8. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

**February 25, 2019**

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**( GURVINDER SINGH GILL)  
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No