

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

CRM-M-43079-2018 (O&M)
Date of Decision:- 12.7.2019

Shingara Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Salil Dev Singh Bali Advocate, for the petitioner.

Ms. Amarjit Kaur Khurana, Sr. DAG, Punjab,

Mr. Manu Loona, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered vide FIR No.82, dated 5.6.2017, Police Station Sadar Fazilka, District Fazilka under Sections 302, 304, 325, 308, 323, 148, 149 IPC.

2. Mr. Salil Dev Singh Bali, Advocate has appeared on behalf of the petitioner and filed his power of attorney. The same is taken on record.
3. The FIR was registered at the instance of Sumit Singh, who has stated that he along with his Jija (brother-in-law) Balwinder Singh @ Sonu, are running a dairy together since the last 4-5 months. It is alleged that complainant's Taya (uncle) owns adjacent land and they have a common motor installed in the fields but both the families have strained relations due to the common motor and distribution of water. It is alleged that on the day of occurrence i.e. on 4.6.2017, when the complainant along with Balwinder Singh were taking a stroll in the evening then two young men came from back side and another 7-8 persons came from the fields adjoining the complainant's house. One of them was complainant's uncle namely Karnail Singh and another was his uncle's son namely Aseem Singh. Sucha Singh, Shingar Singh, Chiman Singh, Mahinder Singh, Joginder Singh were also with them. Chiman Singh is alleged to be carrying an 'iron rod' while the other persons were carrying 'sotas' (sticks). It is alleged that complainant's uncle Karnail Singh exhorted his companions to catch hold of the complainant and his brother-in-law and to teach them a lesson for demanding share in the motor. Chiman Singh is alleged to have given a blow with 'iron rod' to the complainant on the calf of right leg. Chiman Singh gave another blow towards complainant but when the complainant raised his left hand to ward off the same, the 'rod' hit on his arm. In the meanwhile, the complainant

heard a loud cry and when he turned backwards, he saw that his brother-in-law Balwinder Singh was lying on the road and all the accused were giving fist and kick blows to him. Later the aforesaid Balwinder Singh was taken to hospital but he succumbed to his injuries.

4. Learned counsel has submitted that even as per the FIR the petitioner was not armed with any weapon and at best can be attributed some fist or kick blows and that it is the co-accused Chiman Singh who was carrying an 'iron rod' and who has since been granted bail.
5. Opposing the petition, learned State counsel has submitted that the petitioner cannot claim any parity with the case of Chiman Singh, since Chiman Singh is alleged to have given blows to the complainant and it is not the case that it was Chiman Singh who gave blows which proved fatal. It has however, been informed that the petitioner has been behind bars for the last about 2 years and that the complainant has already been examined.
6. Having considered rival contentions addressed before this Court and while bearing in mind that the petitioner has been in custody since the last about 2 years and that the complainant already stands examined and also that till date only 2 out of the cited 19 PWs have been examined, in my opinion, further detention of the petitioner would not serve any useful purpose. The petition, as such, is accepted and petitioner-Shingara Singh ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of

learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. The present petition stands accepted accordingly.

July 12, 2019
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(GURVINDER SINGH GILL)
JUDGE

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