

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

210 (3 cases)

**CRM-M-20572-2019(O&M) and
other connected cases**

Date of decision : 04.10.2019

MUKHTIAR SINGH

.....Petitioner

versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kamal Narula, Advocate,
for the petitioner (in CRM-M-20572-2019)

Mr. SPS Sidhu, Advocate,
for the petitioner (in CRM-M-36898-2019)

Mr. Salil Bali, Advocate,
for the petitioner (in CRM-M-21658-2019)

Mr. SPS Tinna, Addl. A.G., Punjab

Mr. C.M.Munjal, Advocate, for the first informant.

ANIL KSHETARPAL, J (ORAL)

Through this order, CRM-M-20572-2019, CRM-M-36898-2019 and CRM-M-21658-2019 shall stand disposed of.

Three accused-Jasvir Singh, Mukhtiar Singh and Kulwant Singh have prayed for grant of concession of regular bail in FIR No.86, dated 01.06.2018, registered under Sections 302/148/149 IPC, at Police Station Sadar Fazilka, District Fazilka.

At the outset, it must be noticed that Jasvir Singh had earlier filed a petition i.e. CRM-M-48564-2018 which was not decided on merits and was dismissed as withdrawn on 13.11.2018.

As per the case of the prosecution, various accused surrounded

son of the first informant and Jasvir Singh, Mukhtiar Singh, Kulwant Singh and Baljinder Kaur came from the front side. They all were armed with iron rods and wooden batons. Narinder Singh exhorted by saying that deceased be taught a lesson for teasing the girl. Then, Jagtar Singh gave rod blow to son of the first informant, who later on died, which hit him on his head towards right side above the ear. Thereafter, Piara Singh gave baseball blow to the deceased which hit him on the right eye. It is further alleged that other companions also gave internal injuries to the deceased.

As per post mortem report, *prima-facie*, the deceased has not suffered any internal injury. The deceased had suffered 2 injuries, one on the head which is attributed to have been caused by Jagtar Singh and second on right eye which is attributed to have been inflicted by Piara Singh. All the petitioners are in custody since June, 2018.

On 30.09.2019, learned counsel for the first informant informed the Court that evidence of the first informant has been recorded in part and the case is now fixed for recording of his remaining evidence on 03.10.2019. Today learned counsels have informed the Court that in fact complete statement of first informant could not be recorded as the prosecution has filed an application under Section 319 Cr.P.C.

Learned counsel for the State, on instructions from ASI Jugraj Singh, has submitted that none of the petitioners is involved in any other case.

Keeping in view the aforesaid facts and circumstances of the present case and without commenting on the merits of the case, the petitioners are in custody since June, 2018 and the trial of the case is likely to take a long time, the petitioners are directed to be released on regular bail

subject to furnishing of adequate surety to the satisfaction of the Chief
Judicial Magistrate/Duty Magistrate.

Accordingly the petition is allowed with the aforesaid
directions.

October 04, 2019
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No