

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

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CRM-M-27532-2019 (O & M)
Date of Decision:05.07.2019

Puran Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gurcharan Dass, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure for grant of regular bail in case FIR No.54 dated 06.05.2016, under Section 302 IPC (offence under Section 120-B IPC added in charge sheet), registered at Police Station Meharban, District Ludhiana.

The prosecution was launched on the basis of the statement of complainant Harbhajan Singh, who had stated that his elder son Gurdev Singh @ Babu used to do agricultural work with him. On 06.05.2016, when he along with his son Gurnam Singh was present in the house, at that time his elder son Gurdev Singh @ Babu had returned home from fields and told him that Mahinder Singh son of Janak Singh had a quarrel with him at the minor canal bridge of Chuharwal. Mahinder Singh told his elder son Gurdev Singh @ Babu that they were harassing his brother-in-law Puran Singh (petitioner) on the pretext of getting the sale deed registered qua the house purchased by them from Puran Singh. Mahinder Singh also threatened his

elder son Gurdev Singh that neither they would deliver the possession of said house to them nor they would return their earnest money. Then the complainant told his elder son Gurdev Singh that he would raise this matter in the Panchayat of the village. After then, Gurdev Singh @ Babu had told the complainant that he is going towards the graveyard of the village. When Gurdev Singh did not return, then the complainant along with Gurnam Singh had gone to graveyard in order to search Gurdev Singh @ Babu. At about 2.30-3.00 pm, when they reached at the gate of graveyard, then they saw that Mahinder Singh was giving blows of toka on the head of Gurdev Singh @ Babu. Then they raised an alarm, due to which Mahinder Singh had run away. They took Gurdev Singh @ Babu to Civil Hospital, Ludhiana where he was declared brought dead.

Learned counsel for the petitioner contends that after investigation, the petitioner was found innocent, however, the petitioner was summoned as an additional accused under Section 319 Cr.P.C. It is further contended that the petitioner was already in custody pursuant to the judgment of conviction dated 26.02.2016 (Annexure P-13) recorded in a complaint case under Section 138 of the Negotiable Instruments Act, 1881 against which no appeal was filed. He submits that occurrence took place on 06.05.2016. He has further pointed out that the motive assigned is very weak as the agreement to sell executed by the petitioner was of 01.09.2014 whereby the possession of the house of the petitioner was delivered to Gurdev Singh (deceased). However, no sale deed was got executed by him. He contends that the altercation of the deceased was with Mahender Singh son of Janak Singh and it is Mahender Singh and others, who had caused injuries to the deceased.

On the other hand, learned State counsel assisted by ASI Gurinder Singh has opposed the bail application. However, it is not disputed that the petitioner was not present at the spot when the occurrence took place. It is conceded that the petitioner was found innocent after investigation and summoned as an additional accused under Section 319 Cr.P.C.

Considering the above background and the fact that trial is likely to take some time, further detention of the petitioner may not be justified. Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

05.07.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No