

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

**CRM-M No.45158 of 2019
Date of Decision:-01.11.2019**

Jodhbeer Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Ajit Singh Natt, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner-Jodhbeer Singh has filed the present petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No. 14 dated 09.1.2016, under Sections 302, 323, 341, 148 and 149 IPC, registered at Police Station Safidon, District Jind. The petitioner is in custody since 30.1.2016.

As per prosecution case, on 09.1.2016, while canvassing for panchayat elections, the complainant side headed by Jaswant Singh, while the opposite side headed by the accused happened to come across each other and it was alleged that the accused comprising of Gurbej Singh, Sahab Singh, Janpal Singh, Mehar Singh, Navdeep Singh, Karamjot Kaur, Jodhvir, Kulbir, Kulwant, Major singh, Hoshiar Singh, Bhupender, Amritpal,

Balwinder, Ranjit Singh, Beant Singh, Hardeep Singh and Jodha Singh (petitioner) blocked the way of complainant side. Accused Navdeep Singh raised lalkara that *“no one should escape and we will make you Sarpanch”*, on which Jodhbeer (petitioner) gave a blow of Ballam (spear) on the chest of Azad Singh, as a consequence of which he died. Navdeep Singh was attributed another blow by means of Gandasa on the left ear of the complainant followed by blow of Ballam (spear) by Amritpal hitting Karamjeet Singh. It was alleged that thereafter the remaining accused had hurled brick bats on the complainant side. During investigation, Jodhbeer (petitioner) was arrested on 25.1.2016 and he got recovered Ballam (spear), which was used in commission of crime.

Learned counsel for the petitioner contends that the victim Azad Singh had suffered only one fatal injury allegedly caused by petitioner Jodhbeer Singh with a Ballam (spear) and the said Ballam (spear) was recovered from the petitioner on 25.1.2016. It is argued that as per the final report (Annexure P-2), the weapon used in the crime was recovered from accused Kulwant Singh. Learned counsel contends that the petitioner is already in custody for nearly four years and only one witness has been examined partly. He submits that the application under Section 319 Cr.P.C. filed by the complainant for summoning additional accused was dismissed by the trial Court and the petition against the said order is pending before this Court. He submits that proceedings before the trial Court have been stayed and, therefore, further custody of the petitioner may not be justified. He has placed reliance upon Annexures P-4 to P-6 i.e. the orders passed by

this Court in respect of co-accused, who have been extended the concession of regular bail.

On the other hand, learned State counsel, who is assisted by ASI Chander Singh, has opposed the prayer on the ground that the case of the prosecution is based on eye witness account and it was the petitioner, who had given the said fatal blow to the victim. However, he does not dispute this fact that as per the final report, the weapon used in the crime is shown to be recovered from co-accused Kulwant Singh. It is also not disputed that the charges were framed on 05.5.2016 and only one witness has been examined so far.

After hearing learned counsel for the parties, this Court finds that the trial of the case is likely to consume considerable time and keeping in view the custodial period of the petitioner, his further custody 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, Jind.

The petition is allowed.

November 01, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No