

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

217

CRM-M-47817-2019

Date of decision: 10.12.2019

Harinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Mohinder Kumar, Advocate for the petitioner.

Mr. Arun Kaundal, DAG, Punjab assisted by
ASI Charanjit Singh.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed the present third petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, “Cr.P.C.”) for grant of regular bail in case FIR No.72 dated 26.07.2015 under Sections 302, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station Ghuman, Police District Batala, District Gurdaspur.

His first petition was dismissed as withdrawn by this Court vide order dated 23.02.2018 and second petition was dismissed vide order dated 08.02.2019 on the ground that blows caused with *kirch* to the deceased were attributed to him.

Mr. Arun Kaundal, DAG, Punjab has appeared on behalf of the respondent-State and opposed the bail application.

I have heard learned counsel for the petitioner and learned State counsel and gone through the record.

Learned counsel for the petitioner has argued that as per the prosecution version given in the FIR lodged on the statement of

complainant Baljinder Singh, the petitioner was alleged to have inflicted *kirch* blows on the chest of the deceased but during trial, complainant Baljinder Singh examined as PW-2 turned hostile and exonerated the petitioner from having committed the offences while Sukhjinder Singh, father of the deceased, when examined as PW-1 attributed *kirch* blows on the chest of the deceased to co-accused Kewal Singh, who is already on bail under order dated 11.12.2018 passed by Coordinate Bench of this Court. Remaining eye witness PW Jasbir Singh @ Golu has been given up by the prosecution as having been won over. Trial is likely to take long time as on application filed under Section 319 of the Cr.P.C., co-accused Maninder Singh, who was earlier declared innocent, has been summoned to face trial as additional person. Therefore, the petitioner may be ordered to be released on regular bail.

On the other hand, learned State counsel has argued that sharp weapon injuries caused on the person of the deceased resulting in his death are attributed to the petitioner and the petitioner is accused of having committed heinous offence. The petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

However, learned State counsel has not disputed that complainant Baljinder Singh did not support the case of the prosecution and exonerated the petitioner while PW-1 Sukhjinder Singh has attributed the fatal injuries to co-accused Kewal Singh who has been granted bail by this Court and third eye witness PW Jasbir Singh @ Golu has been given up as won over.

In view of the change in the facts and circumstances of the

case referred to above since dismissal of the second petition by this Court vide order dated 08.02.2019 in that during prosecution evidence injuries caused to the deceased with *kirch* have been attributed to co-accused Kewal Singh who is already on bail under the order of this Court and the fact that in view of summoning of additional accused trial is likely to take long time but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Gurdaspur.

10.12.2019

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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