

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

**CRM-M-51194-2019 (O&M)
Date of Decision: December 16, 2019**

Arjan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Jasraj Singh, Advocate
for the petitioner.

Mr. K.S.Aulakh, DAG, Punjab.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of bail in case FIR No.212 dated 31.08.2018 under Sections 307, 323, 427, 148 and 149 IPC to which Section 302 IPC has been added subsequently vide DDR No. 29 dated 01.09.2018, registered at Police Station Tanda District Hoshiarpur.

The FIR was registered on the statement of Jeet Singh, stating that on 30.08.2018 at about 12.30 p.m., he heard the noise of quarrel and when he went out his house he saw that Arjan Singh (petitioner) armed with a handle of spade, Simar Kaur (wife of the petitioner) armed with sota, Sukhdev Singh (son of the petitioner) armed with iron rod and Sukhwinder Singh (son of the petitioner) armed with datar and Sandeep Singh (grandson of the petitioner) armed with iron bahola were dismantling the shed of his brother Harjeet Singh. His brother Harjeet Singh, niece Manjinder Kaur and nephew Harwinder Singh obstructed them from dismantling the shed. Then Arjan Singh (petitioner) gave a spade handle blow to his brother Harjeet Singh, which hit on his left eye, Sukhdev Singh gave iron rod blow, which

hit backside on the left side of head of his brother, Simar Kaur wife of Arjan Singh pulled the hairs of his brother when he was lying on the ground, Sukhwinder Singh son of petitioner gave iron datar blow to his niece Manjinder Kaur, which hit on the backside of her ear and shoulder of Manjinder Kaur, Sandeep Singh gave a blow with reverse side of bahola to Manjinder Kaur, which hit on the elbow of right arm. His nephew Harvinder Singh rescued them from all the accused. Accused also gave him beatings. Harjit Singh and Manjinder Kaur were got admitted in Civil Hospital, Tanda. Harjit Singh dead during treatment.

Learned counsel for the petitioner argues that as per the Medical Legal Report of the deceased – Harjit Singh, had received three injuries, which is as under:-

1. Bluish Black Discoloration around left eye, associated with periorbital edema, diameter of discoloration is 3 cm FRM the midline of pupil.
2. Diffuse swelling over left temporal region, 4 cm in diameter, 5 cm from the midline and 7 cm from tragus.
3. Sutured wound with 3 sutures over the left parieto occipital junction, 6 cm linear 4 cm from midline and 3 cm from the occipital prominence, on further dissection fracture of temporal bone along with petrosquamous suture left side fracture of left parietal, left occipital bone and left greater wing of sphenoid is noted, on further dissection extradural hametoma, 10 cc in volume is noted underneath the fractured bone described above on future dissection subdural hematoma 16 cc in volume is noted underneath right temporo parietal region, multiple hemorrhagic contusion are noted in both temporal region.

He argued that there is no corresponding injury as attributed to the petitioner on the left eye of the deceased. The first injury is merely a discoloration around the left eye, which is associated with the other two injuries as it is specifically mentioned in the post mortem report that the said discoloration is associated with periorbital edema. Learned counsel for the petitioner states that the injury Nos. 2 and 3 on the person of the deceased are attributed to the co-accused Sukhdev Singh son of the petitioner.

Learned counsel for the petitioner states that the petitioner is 73 years old. It is a clear case of over-implication of the entire family by the complainant. Apart from the petitioner, his wife Simar Kaur, who is 73 years old, his two sons Sukhdev Singh and Sukhwinder Singh as well as his grandson Sandeep Singh have been implicated in the case.

The petitioner is in custody since 31.08.2018. The investigation in this case is complete. The challan has been filed and charges have been framed. The trial of the case may take a long time. No useful purpose will be served by detaining him till the conclusion of the trial.

In view of above, without commenting anything on the merits of case, this petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate, concerned.

December 16, 2019
Pardeep

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No