

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

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**CRM-15705-2020 in/and
CRM-M-8001-2020
Decided on : 21.07.2020**

Harbans Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Arihant Jain, Advocate, for the applicant/petitioner.

Mr.S.P.S.Tinna, Addl.AG, Punjab.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

CRM-15705-2020

Application for preponement of hearing of the main case from 03.09.2020 has been filed on the ground that the applicant/petitioner is in custody since 31.07.2018.

Accordingly, in view of the averments made in the application, duly supported by affidavit, same is allowed and the hearing of the case is preponed from 03.09.2020 to today and the main case is taken on Board today itself.

CM stands disposed of.

CRM-M-8001-2020

Present petition has been filed under Section 439 Cr.P.C., for grant of regular bail in FIR No.95 dated 31.07.2018 under Sections 302, 341, 323, 148, 149 IPC, lodged by Amarjit Singh, father of the deceased Sukhchain Singh, registered at Police Station Cheema, District Sangrur, Punjab.

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Counsel for the petitioner submits that as per the FIR, the dispute is regarding spreading of sand in the fields of the petitioner and destroying the crops sown in the fields of the complainant. It is submitted that the attribution of the petitioner is of a kahi blow on the left hand of the complainant. The fatal blow on the head of the deceased was inflicted by the namesake of the deceased, Sukhchain Singh, son of the petitioner. Also one Avtar Singh @ Tari had given the blow with a wooden stick which hit on the backside of the neck of the deceased. It is the case of the counsel for the petitioner that the death was on account of injury No.1 which was linear fracture of the occipital bone extending upto right temporal bone. It is, accordingly, submitted that no injury has been inflicted on the deceased by the petitioner.

Similarly situated persons, namely, Nirmal Singh, Balwinder Singh and Amandeep Singh have been granted the benefit of regular bail in CRM-M-37975-2019 on 16.12.2019, CRM-M-2926-2020 on 30.01.2020 and CRM-2799-2020 on 30.01.2020 (Annexures P-2 to P-4). It is submitted that out of the 17 witnesses, only 3 witnesses have been examined and considerable time would be taken for the trial to be complete and the petitioner has been in custody since 31.07.2018. A perusal of the custody certificate would also go on to show that the petitioner has undergone detention for 1 year, 11 months and 18 days.

Accordingly, keeping in view the fact that Nirmal Singh and Balwinder Singh have already been granted regular bail and are similarly situated as they were also named in the FIR and had given blows upon the leg

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of the deceased when he had fallen down, the petitioner would also be entitled for parity since he did not assault the deceased, as such.

Resultantly, the present petition is allowed and the petitioner is granted bail, on his furnishing bail bonds/surety bonds, to the satisfaction of the Illaqa/Duty Magistrate, Sangrur.

**(G.S. SANDHAWALIA)
JUDGE**

JULY 21, 2020
sailesh

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No