

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

CRM-M-12456-2020

Date of decision: 18.05.2020

Jagraj Singh @ Gajji		Petitioner
	Versus	
State of Punjab		...Respondent

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

Present: Mr.Rohan Garg, Advocate, for the petitioner.

Mr.Suveer Sheokhand, Addl.A.G., Punjab.

G.S. SANDHAWALIA, J. (Oral) :-

Case has been taken up through Video-Conferencing by Webex Application, in view of the instructions issued and the prevailing situation.

Petitioner seeks regular bail in FIR No.195 dated 21.08.2017, registered under Sections 302, 427, 148 & 149 IPC, at police station Raman, District, Bhatinda.

Counsel for the petitioner has pointed out that the complainant, Dalbir Singh is brother of the deceased, Gurdeep Singh and who was not an eye-witness to the incident. The alleged eye-witness was Jaswant Singh, the nephew and the son of the deceased, who was accompanying him. As per the FIR, the allegation against the petitioner, as told by the deceased in the ambulance to the complainant, is that Jagraj Singh, petitioner had come in front of the vehicle driven by the deceased and given a blow of base-bat in front of the vehicle resulting which the glass of the vehicle was smashed. Petitioner's brother, Sukhraj Singh and Gurmail Sigh and the wife of the petitioner, Gurbinder Kaur have stated to have opened the door of the vehicle and dragged out the deceased and pulled him to the ground. The

deceased was lying in the ground when Harjinder Singh, Shiv Karan Singh and the brother-in-law, Karanbir Singh and 3-4 other persons accompanying him had given kick and danda blows. The cause of death, as per the post-mortem report was that on account of hemorrhage and shock due to injury to the vital organ-brain, which is described ante-mortem in nature.

Counsel for the petitioner has pointed out that Gurmail Singh, the brother was granted bail on 29.11.2019 (Annexure P-8), by the Co-ordinate Bench, considering the period of custody since he was arrested on 13.12.2018.

State Counsel, on the other hand, submitted that one of the grounds for granting the bail was the health of the said co-accused who was suffering from liver ailment and therefore, the petitioner cannot claim parity, especially keeping in view the fact that his earlier bail application was dismissed as withdrawn on 26.08.2019 (Annexure P-10). It has also been noticed by the Addl.Sessions Judge, Bathinda that Kuldeep Singh, deceased was a witness in a case against the petitioner who had told Kuldeep Singh not to appear as such.

It is not disputed that there are large number of cases pending against the complainant, as pointed out from Annexure P-3, which was the reply on behalf of the accused to the application filed under Section 319 Cr.P.C. It is also to be noticed that in the application for summoning additional accused under Section 319, which was decided on 31.01.2020 (Annexure P-4), the Trial Court also came to the conclusion that Gurbinder Kaur, the wife of the petitioner had not been

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attributed any specific injury as she had been stated to have only dragged the deceased. Similarly, Shiv Karan was also stated to have been involved in some other FIR and hospitalized on 14.08.2017 as he had been inflicted injury on 13.08.2017 by the deceased as well as the complainant and the said Shiv Karan had been murdered thereafter. Similarly, Karanbir Singh, Harjinder Singh, Gurpreet Singh and Jaswant Singh @ Jiwana were not summoned under Section 319 Cr.P.C., by the Trial Court while dismissing the said application.

Accordingly, keeping in view the cumulative background of bad blood inter se the parties and without commenting upon the merits of the case and the fact that the complainant is not the eye-witness. Similarly the fact that the petitioner has also been in custody since 11.09.2018 and considerable period has passed since then and only one witness has been examined, the petitioner would be entitled for bail, as considerable time is likely to be taken in trial of the case.

The earlier bail application of the petitioner was dismissed as withdrawn on 26.08.2019 by the Co-ordinate Bench and 8 months have expired thereafter also and therefore, the same would not be a hurdle for granting bail to the petitioner.

In such circumstances, keeping in view the above facts, petitioner be released on bail to the satisfaction of the Ilaka Magistrate/Duty Magistrate, Bhatinda.

18.05.2020
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No