

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

(Proceedings conducted through video conferencing)

CRM-M No. 15897 of 2020(O&M)

Date of decision: 5.8.2020

Jagbir Singh

....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ashok K. Sharma, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

REKHA MITTAL, J.(Oral)

CRM No.16633 of 2020

Heard.

Allowed as prayed for.

Postmortem report is taken on record.

Disposed of accordingly.

CRM-M No.15897 of 2020

Jagbir Singh, accused in FIR No.307 dated 16.09.2019 for offence punishable under Sections 302, 323 read with Section 34 of Indian Penal Code (in short 'IPC') registered at Police Station Sadar Jind, District Jind, prays for grant of regular bail, pending trial.

Counsel for the petitioner would argue that injury on head of Bir Singh (since deceased) has been attributed to Vikas son of Jagbir Singh. It is further argued that two of the accused namely Manju and Ramde, against whom similar allegations have been raised, were released

on bail by the Court below. It is further argued that three witnesses including complainant – Ranbir son of Bir Singh, author of the FIR, has already been examined. The last submission made by counsel is that on account of situation created due to Covid-19, a lenient view may be taken and petitioner may be released on bail, who is ready to adhere to the conditions, if any, imposed by the Court.

Counsel representing State of Haryana, on the contrary, has opposed prayer for grant of bail with the submission that Vikas son of the petitioner, Tushar son of Karan Singh and the petitioner armed with dandas appeared together at the scene of crime and caused injuries to Bir Singh. It is further argued that petitioner cannot equate his case with that of Manju and Ramde who were attributed kick and fist blows as against danda blows attributed to the other three accused including the petitioner.

As per the allegations raised in the FIR, there was altercation between Birmati wife of Karambir, Manju wife of Jagbir and Ramde wife of Karan Singh at about 10:15 PM on the fateful day of 15.09.2019 while they were present in the street in front of their houses. Bir Singh son of Fateh Singh (since deceased) and the complainant came out of their house and Bir Singh tried to pacify the ladies involved in *tu tu main main*. In the meanwhile, Vikas son of Jagbir, Tushar son of Karan Singh and Jagbir son of Surat Singh armed with dandas in their hands came there. Vikas gave a danda blow on the head of Bir Singh due to which Bir Singh fell down. Thereafter, Jagbir (petitioner herein), Tushar, Manju and Ramde gave injuries to Bir Singh with fists, kicks, dandas and brick-bats. Perusal of postmortem report of the deceased would reveal that he sustained two injuries on his head namely:-

1. Lacerated wound of size 5 x 2 cm present on left parietal region of head with underlying bone found to be fractured. Intracranial bleeding present.
2. Scalp hematoma (large) of size approximately 11 cm x 9 cm involving the right parietal and occipital region of head. On further dissections intracranial bleeding present and depressed fractures of underlying bone present.

Another injury in the form of lacerated wound was found present on right eyebrow with underlying bone intact. The cause of death in the case is hemorrhage and shock due to injury to vital organ i.e. brain, ante-mortem in nature and sufficient to cause death in normal course of life. Vikas, Jagbir and Tushar have been attributed injuries with danda blows whereas Manju and Ramde have been attributed injuries with fist, kick and brick-bat blows. The petitioner cannot claim parity with co-accused Manju and Ramde.

Taking into consideration the nature of injuries sustained by the victim coupled with role attributed to the petitioner, he does not deserve to be extended benefit of regular bail.

Dismissed.

It is clarified that nothing stated hereinabove shall be construed as an expression of opinion on merits of the case.

AUGUST 5, 2020

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no