

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

CRM-M-19333-2020(O&M)

Date of decision : 28.09.2020

Kaka Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Vishal Aggarwal, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.51 dated 17.05.2020 under Sections 304, 341, 148, 149 of the Indian Penal Code, 1860 registered at Police Station Sadar Faridkot, Punjab.

The allegations in the FIR are that one Gurmail Singh son of deceased Sukhmander Singh had made a complaint that they had a dispute with Kaka Singh, petitioner herein, over a passage/pahi. Though, he had paid an amount of Rs.20,000/- to Kaka Singh for using the passage/pahi, however, the petitioner-Kaka Singh used to stop them from crossing the said pahi. On 16.05.2020 at about 06.30 pm, he along with his wife Amandeep Kaur and father Sukhmander Singh were present in

the house and his father went to purchase vegetables from the shop. After 10 minutes, all of sudden, he had heard some noise upon which he went outside and saw that Kaka Singh son of Inder Singh (petitioner herein) was armed with handle of Kahi, his son Satnam Singh was also armed with handle of Kahi, Baggi Singh son of Deesa Singh was armed with brickbat, Des Raj @ Chamkila son of Gurbaksh Singh was armed with Soti, Parba Singh was armed with Dang, Bhupinder Singh son of Nehru Singh was armed with Soti and Bhinder Kaur wife of Des Raj @ Chamkila was armed with Thapaa. It is further alleged that the aforesaid persons encircled his father and were quarreling with him for passing through the said pahi. The petitioner, Kaka Singh, is alleged to have raised a lalkara and Des Raj @ Chamkila is alleged to have pushed his father. His father fell down on the mettled road and his head struck on the mettled road. It is the further allegation in the FIR that the above-named persons started abusing his father who became nervous and suffered a heart attack out of fear.

Learned counsel for the petitioner has stated that the only role attributed to the petitioner is that he had raised a *lalkara*. Learned counsel for the petitioner would further contend that deceased Sukhmander Singh, father of the petitioner, had suffered a heart attack and as a result of the same he died and that the petitioner has wrongly been implicated in the present case. It is further contended by learned counsel for the petitioner that one of the co-accused, namely, Satnam Singh, was granted anticipatory bail by this Court vide order dated 16.06.2020 passed in CRM-M-15223-2020 (Annexure P-2) and the other

co-accused, namely, Bhinder Kaur, has been granted regular bail by this Court vide order dated 03.09.2020 in CRM-M-24787-2020.

Learned State counsel, on instructions from ASI Gulab Singh, is not in a position to deny that two co-accused, namely, Satnam Singh and Bhinder Kaur, have already been granted anticipatory/regular bail by this Court. Further, learned State counsel is also not in a position to deny that no overt role has been attributed to the petitioner except that he had raised a *lalkara*.

I have heard learned counsel for the parties.

The petitioner has been in custody since 05.06.2020. The case set up by the petitioner is that father of the complainant had suffered a heart attack. No overt role has been attributed to the petitioner except that he had raised a *lalkara*. One co-accused, namely, Satnam Singh, has been granted anticipatory bail by this Court vide order dated 16.06.2020 passed in CRM-M-15223-2020 and the other co-accused, namely, Bhinder Kaur, has been granted regular bail by this Court vide order dated 03.09.2020 in CRM-M-24787-2020. On the ground of parity also the petitioner would be entitled to the regular bail.

Without commenting on the merits of the case and keeping in view the fact that the petitioner has been in custody since 05.06.2020 and also the fact that the trial is unlikely to conclude in the near future in view of the current scenario in the wake of the outbreak of the COVID-19 pandemic, I deem this to be a fit case to direct the release of the petitioner on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Trial Court/Duty

Magistrate concerned.

It is, however, made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case. However, the Prosecution shall always be at liberty to get the bail cancelled in case the petitioner is found to be misusing the concession of bail in any manner.

Disposed off, accordingly.

28.09.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO