

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

CRM-M-20388 of 2020 (O & M)

Date of Decision:-06.10.2020

Mohinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Rajesh Duhan, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Mr. Vijay Lath, Advocate
for the complainant.

Through Video Conferencing

JASGURPREET SINGH PURI J.(Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail pending trial to the petitioner in case FIR No.89 dated 06.10.2017, under Sections 302, 148, 149 and 120-B IPC, registered at Police Station Banur, District Patiala.

As per the allegations, which have been contained in the FIR are that on 05.10.2017 a quarrel had taken place between Jarnail Singh with Mohinder Singh s/o Hans Raj with regard to some entering of cattle in the crops. Thereafter on 06.10.2017, one Gurdeep Singh @ Soni s/o Mohinder Singh again started the dispute and as per the allegations contained in the

FIR, who gave threat to Jatinder Singh (deceased in the present case) by calling the persons from outside and when Jatinder Singh @ Gelu was going to give information to the police on his motor-cycle and from behind a white coloured swift car crossed him, which was driven by Gurdeep Singh @ Soni and on the adjoining seat Sukhchain @ Channi was sitting and on the rear seat Sandeep Kaur, Mohinder Singh and Mahiboob Khan were sitting, who raised lalkaras from behind. Thereafter, the motor-cycle was stopped and ultimately the accused had given injuries to Jatinder Singh. As per the allegations Gurdeep Singh @ Soni and Mahiboob Khan gave blows of *toka* on Jatinder Singh, who fell down on the ground. Thereafter, Mohinder Singh (petitioner), Sandeep Kaur and Sukhchain Singh and one unknown person gave fist and legs blows to Jatinder Singh and thereafter Jatinder Singh after reaching to the hospital, died.

Learned counsel for the petitioner has submitted that the petitioner is innocent and wrongly roped in the present FIR and has submitted that even otherwise the only role as allegedly attributable to the petitioner is that he gave fist and leg blows to the deceased. He has further submitted that vide Annexure P-2, the co-ordinate Bench of this Court in CRM-M-64518-2018 had granted regular bail to the similarly situated person, namely, Sukhchain Singh on 30.10.2019, who had also given fist and leg blows to Jatinder Singh. He has further submitted that the petitioner is in custody since 07.10.2017 which is three years and the material witnesses have already been examined in the present case. He, therefore, prayed for consideration for grant of regular bail to the petitioner also on the basis of long custody period and being on parity with the

aforesaid co-accused Sukhchain Singh.

Mr. Sidakmeet Sandhu, learned Assistant Advocate General, Punjab has submitted that in the present case the custody period of three years of the petitioner is not in dispute. The fact that the petitioner is in parity with co-accused Sukhchain Singh is also not disputed, who had been granted bail by co-ordinate Bench of this Court in CRM-M-64518-2018 on 30.10.2019. However, he has opposed the bail application on the ground that the matter is serious in nature. However, he has also stated that the petitioner is not involved in any other case.

Shri Vijay Lath, learned counsel for the complainant has submitted that in the present case although the allegations pertaining to the present petitioner was giving of fist and leg blow but it was a planned conspiracy and therefore the petitioner does not deserve the grant of bail. He has further submitted that even long incarceration of the petitioner would also be not benefitted to the petitioner in view of the allegations levelled against him. However, so far as the parity of the petitioner with co-accused Sukhchain Singh is concerned, Mr. Lath does not dispute the same. He has further submitted that some of the prosecution witnesses are yet to be examined and if the petitioner is granted bail then he will influence the witnesses, therefore, he opposed the grant of bail to the petitioner.

I have heard learned counsel for the parties through video conferencing.

There is no dispute that the petitioner is in custody since 07.10.2017 and it is almost three years in incarceration. It is also not in dispute that the petitioner is not involved in any other case apart from the

present one. All the learned counsel for the parties have not disputed that the petitioner is at parity with other co-accused, namely, Sukhchain Singh, who had been granted bail by co-ordinate Bench of this Court vide Annexure P-2 on 30.10.2019.

Therefore, considering the aforesaid position, I deem it fit and proper to allow the present petition and admit the petitioner on bail. Resultantly, the present petition is allowed. It is ordered that the petitioner shall be released on regular bail on his furnishing bail bond/surety to the satisfaction of the learned trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

Octobere 06, 2020
Vijay Asija

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No