

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

203

**CRM-M-20723-2020 (O & M)
Date of Decision:17.09.2020**

RAVINDER SINGH @DEEPU

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner.

Mr. A.S. Sandhu, Addl. AG, Punjab.

SUVIR SEHGAL, J.(ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed the present petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.46, dated 14.05.2018 registered under Sections 302/341/506/148/149/120-B of IPC at Police Station City Rampura, Bathinda (Annexure P-1).

Mr. Nirmaljeet Singh Sidhu, learned counsel appearing for the petitioner has argued that the FIR has been lodged on the statement of Rajwinder Kaur to the effect that Kala Singh along with 8/10 unknown persons attacked her husband, Buta Singh, and thrashed him which eventually resulted in his death. He contends that neither the petitioner was named in the FIR nor the sole eye witness Rajwinder Kaur has named him in her evidence. According to the counsel, she has even failed to recognise the petitioner and other co-accused during the course of her evidence. It has been further argued by the counsel by relying upon the statements of the

doctors, who had appeared as PW-2 to PW-4 that the injuries which were allegedly inflicted on the deceased were on the non-vital parts of his body and they were in themselves not sufficient to cause his death. Counsel urges that one of the doctors, namely, Dr. Jagsir Singh (PW-3), has specifically stated in his testimony that the patient had died due to cardiac arrest. Counsel has taken the Court through the orders (Annexures P-8, P-9 and P-10) passed by this Court to submit that the co-accused have been granted the concession of regular bail. He submits that the main accused Kala Singh, who has been specifically named in the FIR, has been granted bail vide order dated 03.07.2020 (Annexure P-9) and the case of the petitioner is at par with Iqbal Singh @ Gaggi and Gurpreet Singh @ Vishal Singh, who have been granted regular bail by this Court vide order dated 03.07.2020 (Annexure P-10).

Per contra, State counsel, upon instructions from ASI Jagtar Singh, has opposed the bail and submitted that without any provocation, all the accused had jointly attacked the deceased, who was unarmed, which resulted in injuries leading to his death. He has placed on record the custody certificate dated 16.09.2020 of the petitioner. Upon specific instructions, he submits that 7 out of 25 prosecution witnesses have been examined so far.

I have considered the rival submissions.

The petitioner is in custody since 05.06.2018 and has been in incarceration for the last 2 years, 3 months and 11 days. His case is on parity with that of Iqbal Singh @ Gaggi and Gurpreet Singh @ Vishal Singh, who have been granted regular bail by this Court vide order dated 03.07.2020 (Annexure P-10) passed in CRM-M-1882-2020.

Keeping in view period of incarceration of the petitioner as well as the fact that the conclusion of the trial is likely to take time, no

useful purpose would be served by keeping the petitioner in further detention. Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate.

Henceforth, in case, the petitioner is found to be involved in any criminal activity, it will be open to the prosecution to seek cancellation of his bail.

17.09.2020

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No