

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

CRM-M-26713-2020 (O&M)

Date of decision : 11.09.2020

Nanak Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Ms. Avinash Mandla, Advocate,
for the petitioner.

Mr. Mehardeep Singh, Addl.A.G., Punjab.

JITENDRA CHAUHAN, J.

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

The instant petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking bail in FIR No.0009 dated 13.01.2019, registered under Sections 302 read with Section 34 of the Indian Penal Code, at P.S. Bhindi Saidan, District Amritsar Rural.

Learned counsel, inter alia, contends that the petitioner has been falsely implicated in the instant case on account of a pending land dispute between the parties. No specific injury has been attributed to the petitioner. He is in custody since 13.01.2019. The investigation already stands concluded, however, *challan* is yet to be presented, therefore, no useful purpose would be achieved in keeping the petitioner behind bars.

On the other hand, learned State counsel submits that the

petitioner is named in the FIR and specific role has been attributed to him. The offence committed is of serious nature as one person has lost his life. He prays for dismissal of the instant petition.

Heard.

Brief allegations, as emanating from the FIR, are that the petitioner and his co-accused launched an attack on the deceased for not lifting *parali*. The parties had an ongoing land dispute as well. Allegations against the petitioner are that he inflicted two *kirch* blows on the person of the deceased. Both the injuries are on the chest of the deceased i.e. on the vital part. Admittedly, the parties are known to each other and thus, there is no question of any misidentification. The gravity of the offence and the manner in which it has been allegedly committed, disentitle the petitioner for grant of the relief sought.

Dismissed.

However, nothing noticed hereinabove shall be construed as an expression of opinion of the Court on the merits of the case.

11.09.2020

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No