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

CRM-M No. 27389 of 2020
Date of Decision: 28.09.2020

Gulzar Singh

-Petitioner

Vs

State of Haryana and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Anshuman Dalal, Advocate,
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

Mr. K.L. Saini, Advocate,
for the complainant-respondent No.2.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.189 dated 19.05.2020 under Sections 304, 323, 34 IPC (Section 302 IPC deleted and Section 304 IPC added in the Final Report under Section 173 Cr.P.C.) registered at Police Station City Kaithal, District Kaithal.

FIR was registered at the instance of Gurpreet Singh son of Ram Singh with the allegations that on 17.05.2020, he brought liquor bottles for sale, but his neighbour namely Balihar

Singh informed the contractor, due to which the complainant had to throw the liquor and had to run away. On 18.05.2020, at about 9.00 PM, when the petitioner and his family members namely Balihar Singh, Gulzar Singh, Baljinder Kaur and Paramjit Kaur were standing in the street, the complainant asked Balihar Singh as to why he had informed the contractor, due to this Balihar Singh, petitioner, Baljinder Kaur and Paramjit Kaur started quarreling with the complainant. Baljinder Kaur caught the collar of t-shirt of complainant and all of them started giving blows with fists and slaps. On hearing noise, father of the complainant attracted to the spot. Balihar Singh pushed him with force due to which he fell down. Complainant also threw bricks on Balihar Singh and his family. Initially, FIR was registered under Section 302 IPC, but later on offence under Section 302 IPC was deleted and offence under Section 304 IPC was added. Baljinder Kaur and Paramjit Kaur were found to be innocent by the police and have not been challaned.

Learned counsel for the petitioner submits that Balihar Singh has been granted bail by this Court in CRM-M No.23803 of 2020 vide order dated 26.08.2020.

Even the complainant Gurpreet Singh has filed an affidavit dated 23.07.2020 to the effect that Ram Singh used to remain sick. On 18.05.2020, when he was running, he fell down

after becoming imbalanced on the sack of bricks lying in the street and received injuries on the chest and waist. He ultimately died on account of the injury.

In the disclosure statement of Balihar Singh, part attributed to the petitioner is that of danda blow to the deceased. No such allegation has been made in the FIR.

Learned State counsel admits the factual position of the case and grant of regular bail to Balihar Singh by this Court. Ladies (co-accused) have been declared innocent.

At this stage, without embarking upon anything on the merits of the case and owing to the situation arising out of pandemic COVID-19, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, the petition is allowed. Petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

28.09.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No