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

**CRM-M No.36645 of 2019
Date of Decision: 09.01.2020**

Mukhtiar Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.02 dated 14.01.2019 registered under Sections 302, 323, 148, 149 IPC at Police Station Kahnuwan, District Gurdaspur.

As per prosecution version, on 13.01.2019, there was Lohri festival and the complainant namely Manpreet Singh @ Gopi had come to his parental house. He was serving in a

private company in Gujarat. House of the present petitioner is adjoining to the house of the complainant. The accused party invited the complainant to their house where they were enjoying drinks. Since the complainant is teetotaler, he did not consume anything offered by the accused party. In the state of intoxication, the refusal by the complainant was taken to be serious and the accused party started abusing the complainant. Complainant came back to his house. The accused party namely Sarwan Singh, Harpreet Singh @ Lovely, Mukhtiar Singh, Baljinder Singh, Gurdev Singh, Shaukeen Singh along with three persons went to the first floor of the house and they started abusing the complainant. Father of the complainant was at sleep. Accused started throwing bricks at the house of the complainant. On hearing noise, mother of the complainant namely Manjit Kaur came outside to close the door. She also asked the accused party to stop abusing. In the meanwhile, Hira Singh i.e. uncle son of the complainant also came there and he tried to restrain the accused party. Harpreet Singh @ Lovely son of the petitioner picked up broken brick from the wall and threw the same which ultimately hit at the backside of the head of the mother (Manjit Kaur) of the complainant and she fell down. Mukhtiar Singh, Sarwan Singh, Baljinder Singh, Gurdev Singh, Shaukeen Singh along with other unknown persons threw bricks at the house of the complainant which hit Hira Singh,

who was standing there. The injury on the person of the mother of the complainant ultimately proved fatal.

Learned counsel for the petitioner states that the petitioner has not inflicted any injury on the person of deceased Manjit Kaur. Injuries on the person of Hira Singh are found to be simple in nature.

Learned State counsel on instructions from ASI Tarlok Singh states that petitioner was arrested on 02.02.2019. Challan has already been presented. After filing of the challan, charges have been framed, but the trial has not commenced so far. 20.01.2020 is the next date for prosecution evidence.

From the aforesaid facts, it can be appreciated that the trial may take some time in its culmination. Petitioner has not been attributed with any injury on the person of deceased Manjit Kaur. He is in custody since 02.02.2019. The complicity of the petitioner would be subject to nature of evidence to be produced by the prosecution during trial. Petitioner is not involved in any other case.

In view of above, without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

Nothing observed hereinabove shall be construed to be an expression of any opinion on merits of the case.

January 09, 2020
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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No