

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

CRM-M-51672-2019

Date of decision:7.2.2020

SHIV KUMAR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Anterpreet Singh, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab
assisted by ASI Kuldip Singh.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.101 dated 3.9.2017 under Sections 302/34 IPC, at Police Station Koom Kalan, District Ludhaina.
2. The FIR in question was lodged at the instance of Dalip Singh wherein it has been alleged that his son Harnek Singh was given beatings by Satish Kumar, Shiv Kumar and Omkar Singh on 2.9.2017. It is alleged that while Satish Kumar inflicted a blow with an iron rod on the head of complainant's son, the other accused Shiv Kumar (petitioner) and Omkar Singh gave beatings to his son with the help of handle of a spade.
3. Learned counsel for the petitioner has submitted that the fatal blow is attributed to co-accused Satish Kumar and that other co-accused namely Omkar Singh, who is identically placed as the petitioner has already been

granted bail by this Court vide order dated 18.10.2019 passed in CRM-M-39728-2019, the petitioner also deserves bail on the grounds of parity.

4. Opposing the petition, learned State counsel submits that since the petitioner is specifically named in the FIR and was armed with handle of spade and had caused injuries to the deceased, no case for grant of regular bail is made out. It has however been informed that the petitioner has been behind bars since last 2 years & 5 months and that as on date 12 PWs out of cited 22 PWs have been examined.
5. I have considered rival submissions addressed before this Court. Without commenting anything on merits of the case and while noticing that the petitioner has been behind bars since last 2 years & 5 months and that the conclusion of trial, in its normal course, is likely to take some time as only 12 PWs out of cited 22 PWs have been examined and while also noticing that co-accused Omkar Singh has already been granted bail, further detention of the petitioner will not serve any fruitful purpose.
6. Accordingly, the petition, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

(GURVINDER SINGH GILL)
JUDGE

7.2.2020
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**