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

CRM-M-3162-2021

Date of Decision: 28.01.2021

Jaswinder Singh

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gaurav Antwal, Advocate for the petitioner.

Kanwar Sanjiv Kumar, AAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.110 dated 24.11.2019 under Sections 148, 149, 323 and 341 IPC, 1860 (Sections 325, 307 and 302 IPC added later on) registered at Police Station Rori, District Sirsa. The petitioner is in custody since his arrest on 08.01.2020.

The FIR was registered on the statement of Ranjit Kaur wife of Angrej Singh, who stated that on 21.11.2019, her son Sukhman Singh and Lovepreet Singh went to the house of her Aunt at Muktsar. Thereafter on dated 22.11.2019, she came to know that her son suffered injuries on feet, left hand and head, who was admitted at Neuro Care Hospital, Sirsa. She went there and found her son unconscious, who was unable to speak. She further stated that Lovepreet told her that on the intervening night of 21/22.11.2019 at 3.00/4.00 a.m., he and Sukhman went to the house of Murti on their motorcycle. Janta Singh s/o of Uggar Singh and Sukhjant Singh s/o Uggar Singh alongwith 3-4 persons stopped them and started

fighting with them and hit with a wooden danda and he also got injury on his foot. According to the complainant, Janta Singh, Sukhjant Singh alongwith unidentified persons gave injuries to her son Sukhman Singh and Lovepreet Singh, because Sukhman Singh was having love affair with the daughter of Janta Singh. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the alleged motive to commit the crime was with the co-accused Janta Singh, as the deceased (Sukhman Singh) was having an affair with his daughter (Manpreet Kaur). He has further argued that the petitioner has been indicted as an accused on the disclosure statement suffered by co-accused Lovepreet Singh and as per the prosecution, the petitioner gave a stick blow on the right leg of the victim. According to him, the said injury was not only on the non-vital part of the body, but was simple in nature as well. He further submits that the co-accused of the petitioner, namely, Gurmail Singh @ Gelli and Subjant Singh, who are almost similarly situated have been released on regular bail by this Court vide order dated 17.11.2020 and 04.01.2021 (Annexures P-4 and P-5) respectively. He states that as per the post mortem report, the cause of death was Septicemia, and as the investigation of the case is complete, therefore, further custody of the petitioner may not be required. He prays for bail.

On the other hand, learned State counsel assisted by Inspector Rajender Singh, has opposed the prayer. However, it is not disputed that case of the petitioner is at par with co-accused, who have already been granted the concession of regular bail by this Court.

Considering the above background, custody of the petitioner

and the fact that the co-accused of the petitioner have been released on bail, this Court does not find any reason to further detain the petitioner behind the bars, as the trial is likely to consume considerable time to conclude. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court Sirsa.

The petition is allowed.

28.01.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No