

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

CRM-M-37486-2021

DECIDED ON: 14th September, 2021

Chandan Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Vijay Kumar, Advocate for petitioner.

Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No.38 dated 17.2.2020 under Sections 304, 323, 34 IPC, registered at Police Station Koom Kalan, District Ludhiana.

The FIR was at the instance of Shiv Shankar Gupta. As per the allegations on 15.2.2020 Upinder Kumar Singh under the influence of liquor came to the house of complainant and demanded food. On refusal he started beating the complainant. When the son of the complainant Shintu (deceased) intervened, the brother of Upinder Kumar Singh, Chandan Kumar Singh (petitioner) came there. Both the accused started beating Shintu. Upinder Kumar Singh caught hold the arm of Shintu and pushed him, there was no railing on the roof, Shintu fell down, sustained injuries and ultimately succumbed to the injuries.

Learned counsel for the petitioner submits that the main allegations are against Upinder Kumar Singh. No specific injury is attributed to the petitioner. Shintu died due to falling from the roof. Investigation is complete, petitioner is in custody since 4.2.2021.

Learned State counsel opposes the grant of bail and submits that the petitioner belongs to Uttar Pradesh, there is every chance of his absconding. She contends that both the accused gave beating to the deceased and it is a case where Section 34 IPC is invoked.

Learned counsel for the petitioner submits that to meet the apprehension raised by learned State counsel, the petitioner is ready to furnish bail bonds of Rs.2 lakh of local surety.

The petitioner though named in the FIR but no specific injury is attributed to him. As per the allegations, the co-accused pushed the deceased from the roof. The petitioner is in custody since 4.2.2021. No recovery was made from him. Investigation is complete, challan stands presented, conclusion of trial is likely to take time. Bail is granted to the petitioner on furnishing local surety worth Rs. 2 lakh to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

14th September, 2021

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(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *Yes*