

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

CRM-M No. 42407 of 2020

Date of Decision: 18.08.2021

Jagdish Singh

-Petitioner

Vs

State of Punjab

-Respondent

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

Present: Mr. Salil Dev Singh Bali, Advocate,  
for the petitioner.  
Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

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**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.117 dated 18.10.2018 under Sections 304, 342, 148, 149 (Offence under Sections 302, 364 IPC were enhanced after deleting offence under Section 304 IPC) registered at Police Station City Fazilka, District Fazilka.

As per prosecution story, the occurrence took place in the intervening night of 09/10.10.2018. Initially, DDR was recorded for the offences under Sections 323, 148, 149 IPC.

As per MLR of the then injured Sukhwinder Singh, 08 injuries were found on his person. He later on died. Cause of

death as per medical record was Acute renal failure.

Allegations are that Sukhwinder Singh was having some love affair with the daughter of the petitioner. He was dragged in the house of the petitioner when he was returning after watching Ram Leela. He was tied with a tree and all the accused collectively gave beatings to him.

Learned counsel for the petitioner submits that in view of facts and circumstances of the case, co-accused Chhinda Singh @ Jaswinder Singh, Munsha Singh and Prem Singh have been granted regular bail by the High Court vide orders dated 03.11.2020, 03.12.2010 and 04.12.2020 passed in CRM-M No.33683 of 2020, CRM-M No.38598 of 2019 and CRM-M No.37274 of 2020 respectively.

According to the learned counsel for the petitioner, the case of the petitioner is not distinguishable from other co-accused who have been released on regular bail.

*Per contra*, learned State counsel opposed the bail on the ground that the petitioner had the motive to kill Sukhwinder Singh as his daughter was allegedly having affair with him. Sukhwinder Singh was dragged in the house of the petitioner and there he was tied with a tree and all the accused collectively gave beatings to him.

I have heard learned counsel for the parties.

According to the opinion of the doctor, the cause of death is Acute renal failure and multiple injuries as described which are sufficient to cause death in ordinary course of nature. All the accused collectively gave beatings to Sukhwinder Singh.

Out of the total 16 prosecution witnesses, only 03 prosecution witnesses have been examined so far.

Petitioner is in custody for the last more than 02 years and 10 months.

Trial of the case may take some time in its culmination.

In view of above, regular bail of the petitioner can be considered on the principle of parity.

Keeping in view the situation arising out of pandemic COVID-19 and without meaning anything on the merits of the case, 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.

18.08.2021  
*Jyoti Sharma*

**(RAJ MOHAN SINGH)**  
**JUDGE**

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