

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

223

CRM-M-6775-2022 (O&M)

Date of Decision: 13.07.2022

DHARMINDER SINGH @ DHARWINDER SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Dinesh Nagar, Advocate
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

Mr. Shevantshu Goel, Advocate
for the complainant.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.0048 dated 16.07.2021, registered under Sections 304, 34 IPC and Sections 323, 341, 506 IPC (added later on), at Police Station Aur, District SBS Nagar (Nawanshahr), Punjab.

Learned counsel for the petitioner submits that the parties to the lis are neighbours; that the alleged quarrel took place in the street; that the petitioner while holding a danda/baton pushed the father and the mother of the complainant, due to which the father fell down and died and that the petitioner has been in custody since 17.07.2021. He further submits that the material witnesses i.e. the complainant and Gurpreet Kaur (niece of the complainant) have already been examined and that no injury has been attributed to the petitioner.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel assisted by learned counsel for the complainant, does not dispute the custody period of the petitioner. He, however, submits that the deceased was well-built and that it was because of the intentional push given by the petitioner, the father of the complainant had suffered head injury and died. He further submits that some of the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 17.07.2021. No injury has been attributed to the petitioner. The quarrel took place at the spur of the moment. Father of the complainant died because of the head injury suffered by him due to fall on the road in the street. Material witnesses have already been examined and some of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

13.07.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*