

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

CRM-M-16417-2022 (O&M)
Date of decision: 14.11.2022

Jaspal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Siddharth Gupta, Advocate for the petitioner.

Mr. Harkanwar Jeet Singh, AAG Punjab.

Mr. Devansh Khanna, Advocate for

Mr. Vaibhav Narang, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

The petitioner has filed this 2nd petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 65 dated 18.03.2020, registered under Sections 302, 323, 341, 506, 148, 149 IPC and subsequently added Section 325 IPC, at Police Station Gate Hakima, District Police Commissionerate Amtirsar. The earlier bail petition was dismissed as withdrawn vide order dated 23.11.2021

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that some of the co-accused have been granted bail; that due to filing of an application under Section 319 Cr.P.C. the case is being adjourned before the learned trial Court; that PW-1 Jasbir Singh was partly examined and further examination was deferred; that on 12.10.2022, the case was adjourned for 22.11.2022 by the learned trial Court for the arguments on the application under Section 319 Cr.P.C.; that initially, there was a fight between the children of the petitioner and the

complainant, but at a spur of a moment it converted into a fight between two families, in which Gurnam Singh-father of the complainant had received injuries and died thereafter and that the petitioner has been in custody since 21.03.2020.

Learned State counsel and learned counsel for the complaint, while opposing the prayer for bail, submit that though the petitioner has been in custody since 21.03.2020 but the fact remains that he has actively participated in the occurrence and has given two base-ball bat blows on the head Gurnam Singh-father of the complainant, which is a vital part, and because of that injury Gurnam Singh died. Learned State counsel submits that the base-ball bat used in the occurrence was recovered from the petitioner.

I have heard the learned counsel for the parties and have also gone through the documents on record.

As notice above, the petitioner has given two base-ball bat blows on the head of Gurnam Singh, which is a vital part, and he died due to those injuries and the recovery of base-ball bat was effected from the petitioner.

In view of the above, only the custody period cannot be the ground to grant the regular bail to the petitioner, therefore, this Court does not find any ground to grant him the concession of regular bail.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

14.11.2022

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No