

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1363 of 2022(O&M)
Date of Decision:- 11.04.2023

Jagjit Singh

....Petitioner

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Gaurave, Advocate for Ms. Prabhjot Kaur,
Advocate for the petitioner.

Mr. Hakam Singh, AAG Punjab.

Mr. Vipin Mahajan, Advocate for respondent.

KARAMJIT SINGH, J.(Oral)

Prayer is for grant for regular bail to the petitioner in case having FIR No.52 dated 22.06.2021, registered under Sections 302, 148, 149 IPC, Police Station Dera Baba Nanak, District Batala.

The allegations in nutshell are that on 21.06.2021 complainant Nirmal Singh was present in his fields while his uncle Mukhtiar Singh and wife Jaskiranjit Kaur were going towards their house from the side of said fields. In the meantime, Daler Singh

raised lalkara that Narinder Singh be not sparred today and then Balkar Singh caught Narinder Singh from his hair and threw him on the ground and then Baljit Kaur handed over spade to her husband Prabhjeet Singh and then Prabhjeet Singh gave blow of spade on back side of head of Narinder Singh and then present petitioner, Daler Singh and another unidentified person started giving kick blows in stomach of Narinder Singh and they also caught him from his hair and started dragging him and in the meantime complainant Nirmal Singh, his wife Jaskiranjit Kaur and uncle Mukhtiar Singh reached the spot to save Narinder Singh, on which all the accused persons fled away from there and then injured Narinder Singh was taken to Guru Nanak Hospital, Amritsar where he died while undergoing treatment.

The counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case and was arrested on 30.06.2021 and during investigation no objectionable article was recovered from the possession of the petitioner. The counsel for the petitioner further contends that it will take considerable time for the trial to conclude as till date no prosecution witness has been examined. The counsel for the petitioner further contends that no fatal injury is attributed to the petitioner who has been charged for murder of Narinder Singh only with the aid of Section 149 IPC.

The present petition is contested by the counsel for the complainant who submits that in the FIR there are specific allegations against the petitioner showing his active participation in murder of Narinder Singh.

Short reply filed by way of an affidavit of Sarvanjeet Singh, Deputy Supdt. of Police, Sub Division Fatehgarh Churian with additional charge of Sub Division Dera Baba Nanak, District Batala is ordered to be taken on record.

The present petition is also resisted by the State counsel who submits that the petitioner along with his co accused attacked Narinder Singh and caused injuries to him which resulted in death of Narinder Singh. However, the State counsel has not disputed the fact that petitioner is in custody since 30.06.2021 and during investigation no incriminating article was recovered at the instance of the petitioner and further the trial is not progressing ahead as till date no prosecution witness stands examined.

I have considered the submissions made by the counsel for the parties.

Indeed the petitioner has been named in the FIR but he is not shown to be armed with any weapon and the only allegations against the petitioner are that he gave kick blows in stomach of deceased Narinder Singh and further dragged him from his hair along with Daler Singh and one another unidentified person. Even as per

the short reply filed on behalf of the State the only attribution made to the petitioner is that he gave kick blows to the deceased. Further as per the said short reply the cause of death in this case was compression of brain as a result of OD intracranial bleeding caused due to injury No.1 which was sufficient in ordinary course of nature to cause death. Apparently the said injury is not attributed to the present petitioner who is stated to have given kick blows in the abdomen of deceased. The petitioner is incarcerated since 30.06.2021 and no incriminating article was recovered during investigation at his instance. Further, as has been apprised by the State counsel till date the prosecution has failed to examine any witness. Furthermore, the exact complicity of the petitioner in murder of Narinder Singh will be established during the trial. Still further it will take considerable time for the trial to conclude. So no fruitful purpose is going to be served by prolonging the judicial custody of the petitioner.

In view of the above, without commenting on the merits of the case the present petition is hereby accepted and the petitioner is ordered to be released on bail subject to furnishing bail and surety bonds to the satisfaction of the Trial Court/CJM/Duty Magistrate concerned.

Disposed of accordingly, so also the pending miscellaneous application(s), if any.

11.04.2023

P. Chawla

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No