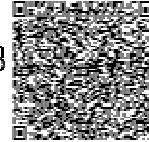


2024:PHHC:093458



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

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CRM-M-11145-2024 (O&M)

Date of decision: 24.07.2024

Harmanpreet Singh @ Harman Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Ankur Jain, Advocate
for the petitioner.

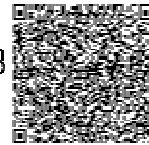
Mr. A. S. Samra, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 54 dated 26.06.2021, registered under Sections 302, 506 and 34 of IPC at Police Station Jhander, District Amritsar.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of the statement recorded by the complainant Randhir Singh on 26.06.2021 alleging therein that on the same morning, the petitioner had driven his tractor on the road existing in front of the house of the complainant. Due to pouring of rain in the night, water had collected in front of his house and due to the manner in which the petitioner was driving his tractor, water was spreading sludge towards their house. The complainant and his father Balkar Singh along with

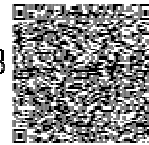
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other family members stopped the petitioner from doing so. However, the petitioner felt offended and started hurling abuses and quarrelling with them. He also proclaimed that he would eliminate the family members of the complainant. In the meanwhile, mother of the petitioner reached there and gave a *lalkara* to not to leave the complainant side alive and then the petitioner brought a *datar* from his house and hit the father of the complainant with the same, thereby injuring his head. Blood started oozing from his head. Co-accused Gurpreet Singh also caused injury with a *dang* on the father of the complainant. The complainant along with his uncle Sukhdev Singh and grandfather raised alarm, after which, the assailants left the spot while extending threats to them. Injured Balkar Singh was rushed to the hospital but he succumbed to his injuries. After registration of the FIR, investigation proceedings were initiated. Inquest proceedings and postmortem of the dead body of the victim was conducted. The petitioner was arrested on the same day. After completion of necessary investigation and usual formalities, *challan* under Section 173 Cr.P.C. was presented in Court and presently the petitioner is facing trial for commission of aforementioned offences. He had moved an application for grant of regular bail before the trial Court but the same was dismissed, vide order dated 28.01.2022.

3. The present petition has been filed by the petitioner on the ground and his counsel has argued that he has been falsely implicated in this case. Complainant Randhir Singh and eye-witness Sukhdev Singh have since been examined before the trial Court and they have not implicated the petitioner in the subject crime. The trial is likely to take time. No useful

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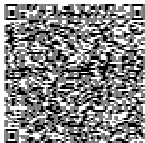
purpose would be served by keeping him in custody anymore. Hence, it is prayed that the present petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that keeping in view the gravity of the offences alleged to have been committed by the petitioner, he does not deserve to be given benefit of regular bail. Therefore, he has argued that the present petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record very carefully.

6. The petitioner along with his parents is alleged to have opened an assault upon the victim on the fateful day and is further alleged to have struck blows of *datar* on his head, which resulted into death of the victim. The complainant and eye-witness Sukhdev Singh have since been examined before the trial Court. However, both of them have not supported the prosecution version and have deposed that some unidentified persons with muffled faces had caused injuries to the victim on 26.06.2021 and that they had not named the petitioner as one of the assailants of the victim. Learned counsel for the petitioner has placed on record a copy of order dated 29.04.2024 passed by this Court in CRM-M-6755-2024 to show that co-accused Gurpreet Singh has already been granted concession of regular bail. Keeping in view the nature of evidence which has come on record in the form of the testimonies of the material witnesses, the period of incarceration of the petitioner, the fact that trial is likely to take time and also on the ground of parity, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore.

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7.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
8.

It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

24.07.2024

(MANISHA BATRA)
JUDGE

Waseem Ansari

Whether speaking/reasoned	Yes
Whether reportable	Yes