



CRM-M-31925 of 2024

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

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CRM-M-31925 of 2024

Date of Decision: 12.07.2024

Gurdeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amandeep Singh Meho, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.64 dated 10.08.2020 under Sections 304 and 34 of the IPC, 1860, registered at Police Station Badhni Kalan, District Moga.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 13.08.2020 and till date, only 08 prosecution witnesses out of 20 cited by the prosecution have been examined even though the charges were framed way back on 26.10.2021. While drawing the attention of this Court to the allegations levelled in the FIR in question, it has been submitted that there is no specific attribution against the petitioner of inflicting any injury on the person of the deceased rather it was on account of bricks thrown towards the side of the complainant party, the deceased sustained the fatal injury.



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3. On a pointed query put to learned counsel for the petitioner, he submits that the petitioner has clean antecedents as it is a matter of record that he is not involved in any other criminal case.

4. Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner, on instructions, has submitted that a quarrel took place between the accused party including the petitioner and some persons; the accused party pelted bricks towards the opposite side; the husband of the complainant Chhinder Singh (hereinafter referred to as 'deceased') tried to intervene and pacify the warring parties and sustained a brick injury which ultimately proved to be fatal to him. However, learned State counsel, on instructions, has not disputed the stage of the trial and also the factum of the petitioner having no criminal antecedents.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. Before proceeding further, it would be relevant to reproduce the contents of the FIR which read as under:-

*“Statement of Mahinder Kaur Wife Sh. Chhinder Singh Son Jameet Singh, resident of Near Cremation Ground, Burj Duna, Police Station Badhani Kalan, District Moga aged about 65 Years Mobile No. 95929- 82293 stated that I am resident of abovesaid address and do household work. I have three sons namely Kulwant Singh, Satnam Singh and Harmesh Singh, all three sons living abroad in Canada. I have one daughter namely Kuldeep Kaur who is married to Maluk Singh son of Wajir Singh Bakarwala. Tomorrow on 09.08.2020 at about 7:00 PM near our house, Jaswinder Singh alias Lala and Harpinder Singh alias Billa sons of Gurdeep Singh, **Gurdeep Singh son of Gurcharan Singh** and Lakhwinder Kaur wife Baljit Singh son of Sadhu Singh all residents of Burj Duna were*



fighting with Gurchand Singh and Hardeep Singh sons of Darshan Singh resident of Burj Duna, then I and my husband Chhinder Singh heard the noise and went near them, Jaswinder Singh alias Lala, Harpinder Singh alias Billa, Gurdeep Singh and Lakhwinder Kaur in connivance with each other were beaten to Gurchand Singh and Hardeep Singh, sons of Darshan Singh residents of Burj Duna during this fight, all these persons started throwing bricks and stones, so when my husband Chhinder Singh went ahead to remove them, Jaswinder Singh alias Lala threw a brick, which hit on the backside of head of my husband Chhinder Singh, my husband fell down on the spot, then all of them ran away from the spot after seeing my husband covered in blood. Then Sukhdeep Singh son of Darshan Singh, resident of Burj Duna arranged a vehicle and got my husband Chhinder Singh admitted to Civil Hospital Moga, where after giving the first aid to my husband by the doctor, referred him to Guru Gobind Singh Medical College and Hospital, Faridkot. Then we arranged a vehicle and got my husband Chhinder Singh admitted to Guru Gobind Singh Medical College and Hospital, Faridkot. Where today in the morning, my husband Chhinder Singh died. Today I alongwith Gurchand Singh son of Darshan Singh, resident of Burj Duna, was coming to the police station to record a statement, you have met at the bridge canal Badhni Kalan”.

7. *Prima facie*, it stands revealed that no specific injury has been attributed to the petitioner. The trial has been proceeding at a very slow pace as 12 prosecution witnesses still remain to be examined, even though the challan was presented way back on 12.10.2020, and charges framed on 26.10.2021. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. The complainant and other material witnesses stand examined.



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8. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

12.07.2024
D.Bansal

Whether speaking/ reasoned :	Yes/ No
Whether Reportable :	Yes/ No