



240

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

CRM-M-7693-2025

Date of decision : 03.04.2025

Dharam Singh

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Manjit Singh Uppal, Advocate
for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.78 dated 30.06.2024, under Sections 302, 307, 323 & 34 IPC (Section 302 added lateron), registered at Police Station Boha, District Mansa, Punjab.

2. Succinctly the facts of the case are that the present case was registered on the statement of complainant, namely, Jaswinder Kaur wife of Balraj Singh. It was alleged that on 29.06.2024, it was alleged that they had a common motor installed in their land which was on the name of Rachhpal Singh. Their relatives had got the compromise that each one will use the motor for two days. However, on 29.06.2024, there arouse a dispute between them on the sharing of water. The dispute finally aggravated and then she found that her father-in-law, namely, Dharam Singh had caught hold of her husband from arms whereas her brother-in-law (jeth) attacked her husband with *Kahi* (spade) by giving blow of the



same on his head. On seeing her husband being attacked by her father-in-law and brother-in-law, she raised voice and thus, both the assailants escaped from the scene of occurrence alongwith their weapons. With the help of their relatives, they shifted her husband to Civil Hospital, Budhlada for treatment thereafter he was referred to PGI, Chandigarh and on 30.06.2024, however, he succumbed to injuries. Request was made to take legal action against the culprits. On registration of FIR, the investigation commenced. Postmortem of the dead body was conducted. The petitioner was arrested on 30.06.2024. On investigation, challan was presented and on framing of the charges, the trial commenced. He approached the Learned Sessions Judge, Mansa praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Sessions Judge, Mansa vide order dated 08.01.2025. Aggrieved by the same, the petitioner is before this Court praying for grant of bail by way of filing of present petition.

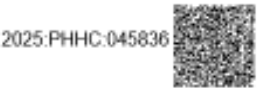
3. Learned counsel for the petitioner has vehemently contended that the petitioner is 70 years of age and he has been falsely implicated in the present case. He submits that the only role attributed to the petitioner that he caught hold the hands of the deceased. It is submitted that allegations against the petitioner are totally false and frivolous. He submits that similarly situated co-accused of the petitioner, namely, Karamjeet Kaur, has already been granted bail by this Court vide order dated 15.01.2025 passed in CRM-M-512-2025. He submits that the petitioner has no criminal antecedents. He further submits that the prosecution has not been able to examine even a single witness till date. He thus, submits that in facts and circumstances of the case the petitioner deserves to be granted bail.



4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and submits that there are specific allegations against the petitioner and he has played an active role in the commission of murder of Balraj Singh (husband of the complainant). He submits that on framing of the charges, the trial has commenced, however, out of total 24 prosecution witnesses none has been examined so far. He has placed on record the custody certificate of the petitioner, which shows that no other case is pending against the petitioner.

5. After hearing counsel for the parties and perusing the record, it is inferred that the FIR was registered on the statement of wife of the deceased who had alleged that the petitioner along with his son had caused the murder of her husband. However, the petitioner has been alleged to have caught hold the hand of the deceased. The fatal blow with *Kahi* has been attributed to the co-accused and not to the petitioner. The custody certificate placed on record would show that the petitioner has suffered an incarceration of 09 months. It further shows that the petitioner is not involved in any other case.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, 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 concerned trial Court/Duty Magistrate.



Nothing said herein shall be treated as an expression of opinion on the merits of the case.

03.04.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

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