



215

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

CRM-M-13398-2025

Date of Decision: 18.08.2025

JASWINDER SINGH

..... Petitioner

*Versus***STATE OF PUNJAB**

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Abhaysher Singh, Advocate
for the petitioner.

Mr. Rahul Jindal, AAG, Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. This is second petition for regular bail in case FIR No.70, dated 17.07.2021, registered at Police Station Lekho K Behram, District Ferozepur, under Sections 302 and 34 of IPC, 1860 and Section 201 of IPC added later on vide report No.34 dated 0.08.2021.

2. The present case was registered on the basis of statement given to the police by Milkha Singh with the allegation that he alongwith his mother Jeeto Bibi resides in Dhani outside the village near cremation ground. Fields of Darshan Singh are situated adjacent to his house in which they have cultivated fodder. Some soil is lying along the side of his house on which he has sown dhijhan so that foundation of the house is not effected. On 17.07.2021 at about 6:30 AM, Jaswinder Singh and Sukhwinder Singh sons of Darshan Singh alongwith Darshan Singh residents of his village came to their field to cut Chari crop but before that, Jaswinder Singh started cutting dhijhan sown by him adjacent to his



house with an axe while Sukhwinder Singh started cutting it with a toki. When their mother requested them not to do so, all three started abusing his mother. On hearing the noise, he was also going towards them but when he was a little away from his mother, Jaswinder Singh gave an axe blow on the centre of the head of his mother as a result of which she fell down. Sukhwinder Singh gave a toki blow on her back after she had fallen. He raised an alarm and Darshan Singh while hurling abuses and raising lalkaras escaped from the spot on his motorcycle alongwith his sons. His mother was taken to the hospital where she was declared dead. Matter was investigated. Accused were arrested and after completion of investigation, final report was presented.

Learned counsel for the petitioner argued that petitioner has been falsely implicated in the present case and an exaggerated version has been put forward in the FIR. The alleged occurrence had taken place at the spur of the moment and only single blow is attributed the petitioner and the offence under Section 302 of IPC will not be attracted and at the most, the offence would fall under Section 304(1) of IPC. Learned counsel next contended that all the witnesses have already been examined one of the co-accused namely Darshan Singh was summoned to face the trial on an application under Section 319 Cr.P.C. who has challenged the order passed on the application under Section 319 Cr.P.C. and a Coordinate Bench of this Court vide order dated 13.12.2023 in Criminal Revision No.2572 of 2023 has stayed the operation of the impugned order *qua* Darshan Singh and since then, the trial is fixed before the Trial Court for awaiting of order of the High Court and for defence evidence and for arguments. The petitioner is in custody for the last 4 years. The



trial is certainly going to take sufficiently long time to conclude. Co-accused Sukhvinder Singh and Darshan Singh have already been released on regular bail and in view of his protracted custody, petitioner deserves to be released on bail. In support of his contention, learned counsel has cited judgment dated 16.02.2023 passed by Hon'ble Supreme Court in SLP (Crl.) No.5789 of 2021 titled as '**Pargat Singh @ Pagga Vs. The State of Punjab**' wherein petitioner-accused was ordered to be released on bail on account of his prolonged custody of 4 years and to whom one Kirch blow was attributed on the head of the deceased.

On the other hand, learned State counsel has opposed the bail and argued that petitioner is the main offender and he gave an axe blow on the head which proved to be fatal and in case he is released on bail, he may flee and try to hamper the trial.

Petitioner is in custody for the last 4 years and entire prosecution evidence has already been led and the case is fixed for defence evidence and arguments and for awaiting of order from the High Court in a criminal revision petition instituted by co-accused Darshan Singh. Only one blow was caused on the head of the deceased by the petitioner and occurrence took place at the spur of the moment. As such, it will be a debatable question during the trial as to whether the offence will fall under Section 302 or 304(1) of IPC. Since all the witnesses have already been examined, there is also no possibility of accused winning over or intimidating the witnesses and in view of his prolonged detention and the fact that trial may take some more time to conclude, the petitioner deserves to be released on the bail.

Having regard to the aforesaid factual position, but without

commenting anything upon the merits of the case, the petitioner is admitted to regular bail and he is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court concerned, on usual terms and conditions.

Allowed.

(YASHVIR SINGH RATHOR)
JUDGE

18.08.2025
Ali

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