

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

**Criminal Misc. No. M-11307 of 2015
Date of Decision:-15.05.2015**

Binder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. K.B. Raheja, Advocate
for the petitioner.

Mr. Gurinderjit Singh, Deputy A.G. Punjab.

Mr. S.P.S. Sidhu, Advocate
for the complainant.

HARI PAL VERMA J.

Prayer in this petition is for grant of regular bail to the petitioner in case FIR No.62 dated 18.5.2013, under Sections 302, 308, 364, 325, 324, 323, 342 and 148 read with Section 149 IPC, registered at Police Station Sadar, Jalalabad, District Fazilka.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the case. As many as 16 persons have been named in the FIR, which was registered on the basis of statement of Surjit Singh. No injury has been attributed to the petitioner. He also submits that it is a case of cross version and five persons were injured from the petitioner side also. Further submits that two accused, referred in the

present FIR, have been granted bail by this Court on 21.2.2015 in Criminal Misc. No. M-30250 of 2014 titled 'Mall Singh and another vs. State of Punjab'. The false implication of the petitioner cannot be ruled out as the FIR was registered against the complainant party for committing rape upon Jyoti Bala, who was minor at the time of occurrence. He further submits that no recovery is required to be effected from the petitioner.

Learned counsel appearing for the complainant oppose the bail of the petitioner on the ground of seriousness of the offence including the death of Mukhtiar Singh.

Similarly, the bail application has also been opposed by learned State counsel by stating that the petitioner is the main accused and caused injury on the head of deceased-Mukhtiar Singh with a sharp edged weapon.

Considering the fact that the complainant party has alleged to be aggressor and it is in this process Mukhtiar Singh deceased also received injuries and it is a case of cross-version, the petitioner is admitted to bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

However, it is made clear that nothing stated here-in-above shall not be an expression on the merits of the case while deciding the case pending before the trial Court and the trial Court shall decide the case as per the available material/evidence on record.

May 15, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE