

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-1716 of 2015 (O&M)
Decided on : 26.02.2015

1.

Madan Lal @ Madi

... Petitioner

Versus

State of Haryana

... Respondent

CRM-M-1948 of 2015

2.

Himmat

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present : Mr. Sunil Saharan, Advocate for
Mr. Jitender Dhanda, Advocate (CRM-M-1716 of 2015)
Mr. Vivek Khatri, Advocate (*CRM-M-1948 of 2015*)
for the petitioner (s).
Ms. Kirti Singh, DAG, Haryana

1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh J. (Oral)

CRM No.6640 of 2015 in
CRM-M-1716 of 2015

Application is allowed and filing of certified copy of Annexure P-2 i.e. post-mortem report of Nafe Singh, deceased, is exempted and the same is taken on record.

CRM stands disposed of.

CRM-M-1716 of 2015
CRM-M-1948 of 2015

This order of mine will dispose of CRM-M-1716 of 2015
and *CRM-M-1948 of 2015*, arisen out of the same FIR.

Madan Lal @ Madi and Himmat, petitioners have moved the present petitions for grant of regular bail in FIR No.1406, dated 11.12.2013, under Sections 147, 148, 149, 323, 341, IPC, (Section 302 IPC added lateron), registered at Police Station Sadar Hisar, District Hisar (Annexure P/1).

As per the allegation levelled in the FIR by Darshan Singh son of deceased Nafe Singh that on 10.12.2013 at 7.30 p.m. a quarrel had taken place between the parties. It is alleged that his father Nafe Singh was standing in the street, nearby the gate of his house, then *Dholia, Kalia, Kuldeep, Sunder and Madan alias Madi*, all sons of *Phool Singh* and *Lilo Devi* wife of *Phool Singh* and *Shamsher* son of *Rajender* resident of *Mangali Aklan* and *Himmat* son of *Baggi* were quarrelling with his father Nafe Singh. Shamsher Singh gave iron rod blow on the head and hands of Nafe Singh, deceased as a result of which, he fell down and ultimately died.

In this case, both the petitioners were arrested on 14.12.2013, and they are in custody since then. In this case challan has been presented before the court and the case is going on for prosecution evidence.

Learned State counsel on instructions from Sub Inspector-Subhash, states that so far, three witnesses including complainant-Darshan Singh have been examined.

A perusal of the statement of Darshan Singh, complainant placed on the file, shows that he has repeatedly the allegations levelled in FIR against the present petitioners. In this case, as per post- mortem, there was injury on the head of the deceased which proved fatal. Then

a scabbed wound on left forearm of the deceased which appears to be due to fall of the deceased. No injury is attributed to the present petitioners, namely, Madan Lal @ Madi and Himmat. They were just stated to be quarrelling with the deceased and were present at the time of occurrence.

In these circumstances, without commenting on the merit of the case, further detention of the petitioners is not considered necessary. Therefore, both the petitions are allowed and petitioners, namely, Madan Lal @ Madi and Himmat are ordered to be released on bail on their furnishing personal bonds in the sum of ₹1 lac. each, with one surety of the like amount to the satisfaction of the trial Court.

Accordingly, both the petitions are allowed.

[Kuldip Singh]
Judge

26.02.2015
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