

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

**CRM-M- 20773 of 2015
Date of Decision: 08.07.2015**

Sher Singh @ Billa

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ranvir Singh Arya, Advocate
for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

RAJ MOHAN SINGH, J. (Oral)

Petitioner-Sher Singh @ Billa seeks regular bail in FIR No.394 dated 12.10.2014 under Sections 148, 149, 323, 452, 506 IPC and (307 IPC added later on), Police Station Gannaur, District Sonapat.

The FIR came to be recorded on the basis of statement of Bijender Singh @ Billu. Allegations are that Rakam Singh and his family members were not allowing the complainant party to construct the street. On 12.10.2014 at about 9.00 AM, the occurrence took place, when the complainant was lifting the bricks from the street. Then Rakam Singh, Billa, Charan Singh and Satbir sons of Multan, Multan himself, Telu, Budhu, Jitender, Amit, Sunil came there duly armed with iron rods. Rakam Singh gave rod blow on the head and right shoulder of the complainant. Telu inflicted rod blow on the right shoulder of the complainant. Rakma, Kasturi, Ramrati, Omwati entered the house of the complainant and gave brick blows on the persons of mother of complainant Ram Piyari

and sister-in-law Pushpa. On alarm, Uday Singh, Rajender @ Kala, Ramphool and Jony attracted to the spot. Then Rakam Singh, Charan Singh, Satbir, Telu, Billa, Jitender, Amit and Sumit gave injuries to Uday Singh, Rajender @ Kala, Ramphal and Jony on their persons.

Learned counsel states that in the statement of Rajender under Section 161 Cr.P.C, injuries have been attributed to three persons. Initially, FIR was registered without the offence under Section 307 IPC and petitioner was granted bail by Sub Divisional Judicial Magistrate, Gannaur on 21.10.2014. The injury on the head of Rajender has been attributed to Telu and Charan Singh. Even as per statement of Rajender, name of petitioner was also shown in the arrayed of accused, who inflicted injury on the person of Rajender. There is only one injury on the head of Rajender as per MLR report dated 12.10.2014. The enlarged culpability in terms of Section 307 IPC at a subsequent stage will give rise debatable arguments so as to attract culpability in terms of offence under Section 307 IPC.

At this stage, without commenting upon the merits of this case, petitioner is ordered to be released on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate, Sonapat.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

July 08, 2015
prince

(RAJ MOHAN SINGH)
JUDGE