

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

**Criminal Misc. M-31911 of 2015
Date of Decision: September 29, 2015**

Hira SinghPetitioner
Versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE T.P.S.MANN

Present : Ms. Pooja Chopra, Advocate
for the petitioner.

Mr. Praveen Bhadu, Asstt. A.G., Haryana.

T.P.S.MANN, J. (Oral)

This is the third petition by petitioner-Hira Singh for grant of regular bail, the first two having been dismissed as withdrawn on 17.7.2014 and 16.1.2015.

As per the case of the prosecution, the petitioner had given a *lathi* blow on the right leg of Rishpal Singh, which resulted in fracture of the bone underneath. Some of the co-accused of the petitioner were also attributed causing of blows, either with a *lathi*, handle of hand-pump or by giving kick blows to Rishpal Singh.

According to the prosecution, Rishpal Singh died after thirty eight days of the incident and the cause of death was stated to be septicaemia.

Accused-Nishan Singh son of Mohinder Singh, who

was attributed giving of *lathi* blows thrust wise in the chest of Rishpal Singh, which resulted into fracture of rib, accused-Nishan Singh of village Harniya, who was attributed giving of kick blows in the abdomen of Rishpal Singh and accused-Sukhdev Singh, who in the FIR was stated to have raised *lalkara* but during the investigation of the case, attributed giving of an injury with the handle of hand-pump on the right knee of Rishpal Singh, have already been granted concession of regular bail. The petitioner is in custody since 1.1.2013. Out of the thirty six witnesses cited by the prosecution, twenty two have been examined, whereas seven given up. Two of the remaining witnesses, i.e. Dr. Sachin Lohre and Dalbir Singh, who are material witnesses of the prosecution are stated to have gone abroad and there is no likelihood of their returning to India trial.

Taking into consideration the totality of the circumstances, this Court is of the considered view that no useful purpose will be served by keeping the petitioner behind the bars to await the outcome of the trial.

Resultantly, the petition is accepted. Bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Sirsa.

September 29, 2015
amit rana

(T.P.S. MANN)
JUDGE