

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-8926 of 2015

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Date of decision:21.9.2015

Sushil Kumar alias Komal alias Kamal

...Petitioner

v.

State of Punjab

...Respondent

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Sidakmeet Singh Sandhu, Advocate for the petitioner.

Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

None for the complainant.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C.
for grant of regular bail in case FIR No.160 dated 11.6.2013 registered for
the offences under Sections 302, 323 and 34 IPC at Police Station City
Ferozepur, District Ferozepur.

Notice of motion has been issued in this case.

Ms. Simsi Dhir Malhotra, learned Deputy Advocate General,
Punjab has put in appearance on behalf of the respondent-State and
contested this petition.

I have heard learned counsel for the petitioner and learned

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Deputy Advocate General, Punjab appearing for the respondent-State and have gone through the record.

The FIR in the present case has been registered on the statement of complainant-Loveleen Kumar. It is argued that it is a cross-version case and Roshan Lal father and co-accused of the petitioner has also received injuries at the hands of the complainant party and he has been medically examined. The alleged occurrence has taken place all of a sudden and pre-mediation. Both the parties are vegetable commission agents. As per the prosecution version, the petitioner-accused has given injury with the iron rod. Ultimately, the said victim has succumbed to the injuries.

At the time of arguments, it was brought to my notice that the trial is complete and the witnesses have already been examined by the prosecution and an application has been filed by the accused under Section 311 Cr.P.C. for further cross-examination of one of the witnesses.

Keeping in view the facts and circumstances of the present case and the fact that the trial is complete, keeping in view the nature and gravity of the offence and the injuries attributed to the present petitioner, I do not find it a fit case where the petitioner is entitled to the benefit of regular bail.

Therefore, finding no merit in this petition, the same is dismissed.

September 21, 2015.

(Inderjit Singh)
Judge

hsp