

Sr. No. 233

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

**CRM No. M-10925 of 2016 (O&M)
Date of Decision: 07.04.2016**

Parmod Kumar

...Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Satbir Gill, Advocae,
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

TEJINDER SINGH DHINDSA. J (ORAL)

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking the benefit of regular bail to the petitioner pending trial in case FIR No.159 dated 27.08.2014 under Sections 302/364 read with Sections 148/149 of IPC, registered at Police Station Baragudha, District Sirsa.

Counsel for the parties have been heard at length.

Deceased in the present case is Nihal Singh. FIR was registered on the statement of the son of the deceased, namely, Bajrang Punia. The alleged occurrence is of 27.08.2014. As per the statement of the complainant i.e. son of the deceased, Nihal Singh was forcibly taken away to a different dhani by Anil Kumar S/o Subhash, Shakuntala Devi W/o Subhash and three other unknown boys. In the initial statement made by Bajrang Punia, specific injuries

have been attributed to Anil as also to Shakuntala Devi. Shakuntala Devi is stated to have given a danda blow on the forehead and right eye of Nihal Singh. Insofar as the three unknown boys are concerned, they were alleged to be having dandas in their hands and danda blows were given on the legs below the knees of deceased Nihal Singh.

In the initial statement of Bajrang Punia on the basis of which FIR was registered on 27.08.2014 i.e. date of occurrence itself, the name of the present petitioner does not even figure. It so transpires that Bajrang Punia thereafter suffered a supplementary statement i.e. on 29.08.2014 in which the name of the present petitioner surfaces for the first time. Even in such statement, no specific role or injury had been attributed to the present petitioner.

Learned counsel appearing for the petitioner has even adverted to the post mortem report of deceased Nihal Singh wherein injury No.1 is a fracture on the frontal bone of scalp, right side of mid line and which as per opinion of the doctors was the cause of death and other injuries are stated to be simple in nature. The injury on the scalp has been specifically attributed to Shakuntala Devi.

The complainant i.e. son of deceased Nihal Singh has already been examined by the trial Court and in such deposition also apart from having named the present petitioner to be present at the place of occurrence, no specific role or injury has been attributed to him.

Petitioner has been in custody since 06.03.2015. The trial would still take some time to conclude.

Co-accused Ramandeep Singh and against whom there were similar allegations has been granted benefit of bail in the light of order dated 29.02.2016 passed by this Court in CRM No.M-2385 of 2016.

In view of the circumstances and facts noticed hereinabove and without making any comments and observations on the merits of the case, the petitioner is held entitled to the benefit of regular bail.

Petition is allowed. Petitioner be enlarged on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Sirsa.

Disposed of.

07.04.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**