

Sr. No.236

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CRM No.M-15826 of 2016 (O&M)

Date of Decision: 17.05.2016

Man Singh

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Ram Niwas Kush, Advocate,  
for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

**TEJINDER SINGH DHINDSA, J.(ORAL)**

Petitioner seeks benefit of regular bail pending trial in case FIR No.709 dated 26.10.2012, under Sections 147/ 148/ 323/ 452/ 506/ 149/ 302/ 109 of Indian Penal Code and Section 25 of Arms Act, registered at Police Station City Hansi, District Hisar.

Counsel for the parties have been heard.

FIR came to be registered at the instance of Daya Nand. Deceased is Amrit. Occurrence is stated to be of the intervening night of 24/25.10.2012.

As per complainant's version, on 24.10.2012 at about 9:00 p.m. the present petitioner had come to his rehri in a drunken condition and demanded pakoras. Complainant alleged that there were other customers also and the petitioner having insisted of being served first, abused the complainant and went away. After some time, Jasbir, Sumit, Kalia and Kuldeep came to the rehri of the complainant, quarreled with

him and went away. The aforementioned four persons are stated to be close relatives of the present petitioner.

Thereafter complainant asserted that at about 10:00 p.m. while he was standing with his sons Rajesh and Sushil in front of his house, Jasbir and Sumit again came present and had quarreled with the complainant and Jasbir had given a tooth bite to Rajesh.

In the sequences of occurrences relating to the same very day i.e. 24.10.2012, complainant has alleged that at about midnight, Jasbir, Sanjay, Kalia, Sumit and Kuldeep again came to the house and gained forcible entry. Specific attribution is of Jasbir having given five sword blows upon the complainant, Sanjay and Kalia are stated to have inflicted iron rod blows upon nephew of the complainant as also upon Amrit. Sumit and Kuldeep are stated to have given injuries to Mahender with Sword and lathis. Jasbir is also stated to be attributed a sword blow in the abdominal area of Amrit.

Motive attributed is that the present petitioner had a quarrel with the complainant and all the other accused have acted in conspiracy and in the occurrence Amrit has succumbed to the injuries.

Petitioner was arrested on 16.12.2012.

In the trial that has ensued material witnesses i.e. complainant Daya Nand, his nephew Mahender Singh and his sons Rajesh and Sushil have already been examined. Even as per prosecution, there is no specific injury attributed to the present petitioner.

In view of the above, without making any observations on merits and coupled with the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of bail.

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

Disposed of.

**17.05.2016**

vandana

**(TEJINDER SINGH DHINDSA)  
JUDGE**