

**Sr. No. 237
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM No. M-2569 of 2016
Date of Decision: 28.01.2016**

Mahender Singh

...Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. D.N.Ganeriwala, Advocate,
for the petitioner.

Mr. Rajiv Doon, AAG, Haryana.

Mr. Aditya Sanghi, Advocate,
for the complainant-injured

TEJINDER SINGH DHINDSA. J (ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.201 dated 19.07.2015, under Sections 307,323,325,342,34,506 of Indian Penal Code, registered at Police Station Ellenabad, District Sirsa.

FIR came to be registered on the statement of Prem Kumar. Occurrence is alleged to be of 19.07.2015. As per complainant, his father Dana Ram was inflicted a lathi blow on the right arm by the present petitioner who is none other than the real brother of injured Dana Ram. Co-accused Ram Rattan is stated to have given a lathi blow on the left hand and Ram Kumar has been attributed a lathi blow on the head of the Dana Ram.

The offence under Section 307 was added subsequently on the opinion given by the doctor as regards injury on the head of

Dana Ram to be dangerous to life.

It has gone uncontroverted that such injury has been specifically attributed not to the present petitioner but to co-accused Ram Kumar.

Curiously, it has also been conceded during the course of arguments that Dana Ram was taken to the hospital by Ram Rattan who otherwise has been shown to be an accused in the occurrence by Prem Kumar complainant and had also allegedly given lathi blows to Dana Ram.

Petitioner has been in custody since 30.07.2015. The trial is still at the initial stage as this Court has been apprised that none of prosecution witnesses have been examined till date.

Without making any observation on merits, the petitioner 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, Sirsa.

Disposed of.

28.01.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**