

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

CRM No.M-2807 of 2016 (O&M)

Date of Decision: 16.02.2016

Kuldeep

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. G.S. Sidhu, Advocate for the petitioner.

Mr. Rajiv Doon, AAG, Haryana.

....

TEJINDER SINGH DHINDSA.J.

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.255 dated 11.07.2014, under Sections 302/341/148/149 IPC, registered at Police Station Sadar Sirsa, District Sirsa.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Parveen Kumar in relation to an occurrence that took place on 10.07.2014 in the evening at about 8.15 PM. Complainant has alleged that Kala s/o Ronak Ram, his two sons, namely, Binder and Kuldeep (present petitioner), Puran, Banta, Rishi and Sahabi were standing close to the bus stand armed with *kapa*, *kasia* and *lathis*. In the meantime, brother of the complainant Babbu along with certain friends came on a motorcycle and which was stopped by co-accused Kala. The specific accusation is with regard to Kala and Binder, co-accused having given *kapa* blows on the head of Babbu. Puran is stated to given a *kasia* blow on the right hand of Babbu. Insofar as the present petitioner and his brother Binder are concerned, the attribution is with regard to *lathi* blows on the legs of Babbu. Babbu is stated to have succumbed to the injuries suffered on the following day i.e. on 11.07.2014.

The MLR as also post mortem report of Babbu (since deceased) corroborates the version of the complainant as regards injuries suffered on the head and attributed to Kala Ram and Binder i.e. non-applicants herein.

Petitioner has been in custody since 22.12.2014.

During the course of arguments, it has gone uncontroverted that a cross case was registered on the statement of Kala on the same very date of occurrence i.e. on 10.07.2014 at about 9.30 PM. In the cross version, the present petitioner is stated to have suffered an injury and which was opined to be dangerous to life and thereby attracting offence under Section 307 IPC. It is a clear case of version and cross-version. The factum of which of the parties being the aggressor party would have to be determined during the course of trial.

Learned State counsel would further apprise the Court that the trial is at the very initial stage and the same would take time to conclude.

Without making any observations on merit and keeping in view 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 the satisfaction of the CJM/Duty Magistrate, Sirsa.

Disposed of.

16.02.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**