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

CRM-M No.28701 of 2016

Date of Decision: 29.12.2016

Suresh

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Virender Soni, Advocate for
Mr. Sunil Kumar, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G. Haryana.

Tejinder Singh Dhindsa, J. (Oral)

This order shall dispose of the instant petition filed under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.114 dated 16.03.2015, under Sections 148, 149, 323, 341, 302 IPC, registered at Police Station Narnaund, District Hisar.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Sandeep (since deceased) in relation to an occurrence that allegedly took place on 13.03.2015. As per version of the complainant, while he along with his brother Kuldeep were present at their house, they were attacked by a number of persons including the present petitioner namely; Suresh. It so transpires that complainant Sandeep expired on 27.03.2015.

As per prosecution version, the present petitioner had inflicted the *Lathi* blows on the shoulder and back of Kuldeep i.e. brother of the complainant.

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It has gone uncontroverted that eye witnesses to the incident namely Kuldeep, brother of deceased as also Om Parkash, who was uncle of the deceased have already been examined before the trial Court and in their deposition as well, the only role attributed to the present petitioner is of having inflicted *Lathi* blows on the person of Kuldeep. It may be noticed that even as per statement of complainant as also deposition of two eye witnesses i.e. Kuldeep and Om Parkash, no injury has been attributed to the present petitioner on the person of the deceased.

The petitioner has been in custody since 31.03.2015.

Learned State counsel, who is on instructions from ASI Naresh Kumar, Police Station, Narnaund, would apprise the Court that out of twenty-one prosecution witnesses cited, only five witnesses have been examined till date. The trial, as such, would take time to conclude. Material witnesses i.e. eye witnesses to the alleged occurrence have already been examined.

In view of above, petition is allowed. Petitioner Suresh be released on bail on his furnish bail/surety bonds subject to the satisfaction of trial Court/Duty Magistrate, Hisar.

Allowed.

[TEJINDER SINGH DHINDSA]
JUDGE

29.12.2016
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Whether Speaking/reasoned	:	Yes
Whether Reportable	:	No