

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

**CRM-M-3172 of 2016 (O&M)
Date of decision: 05.02.2016**

Piara Singh

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Mr. Piyush Sharma, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

...

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.169 dated 03.07.2015 under Sections 323/148/149 IPC (Section 302 IPC has been added lateron), registered at Police Station Sadar Ferozepur, District Ferozepur.

Counsel for the parties have been heard at length.

In the present case, there are three prosecution versions coming forth. There is statement of Sardool Singh, injured on the basis of which FIR had been registered. Such statement of Sardool Siangh is in relation to an alleged occurrence that took place on 01.07.2015. Complainant has alleged that he was attacked by a number of persons, including the present petitioner. The specific attribution given to the present petitioner is of having been armed with a staff (sota) and having landed a blow on the left shoulder of Sardool Singh. At this stage itself it may be pertinent to mention that the MLR of injured, Sardool Singh does not show/reflect any injury on the left shoulder and as such, allegation does not carry any corroboration upon the medical examination having been conducted.

The second version is based upon a statement of Sawaran Singh also in relation to an occurrence of the same date but at a different place. In such statement, injuries have again been attributed upon the person of Sawaran Singh but no role whatsoever has been attributed to the present petitioner. Rather name of the petitioner does not even find mention in the statement of Sawaran Singh and even his presence at the spot has not recorded.

Third prosecution version is based upon the statement of Smt. Santosh Kaur i.e. wife of deceased Sukhdev Singh. Such statement also pertains to an incident of the same date i.e. 01.07.2015 and the incident is alleged to have taken place within the residential premises. As per statement of Smt. Santosh Kaur, her husband Sukhdev Singh had been attacked by a number of persons, including Harmesh Singh son of Fauja Singh armed with *kappa*, Jagir son of Fauja Singh armed with iron rod, Balkar Singh son of Jagga Singh armed with *kirpan*, Surjeet Singh son of Teja Singh armed with hockey and Jarnail Singh @ Pritam armed with *kirpan*. The specific attribution of a *kappa* blow on the head of Sukhdev Singh (since deceased) is to Harmesh Singh. Such version of wife of the deceased finds corroboration from the MLR of Sukhdev Singh. Even as per post mortem report, the cause of death has been opined to be head injury suffered by Sukhdev Singh. The name of the present petition again does not figure in the statement of Smt. Santosh Kaur and neither is his presence recorded.

Petitioner has been in custody since 30.07.2015.

Challan has already been presented but charges have not been framed till date. The trial, as such, is at the very initial stage.

In view of the observations made above and without making

any observations 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 learned Chief Judicial Magistrate/Duty Magistrate, Ferozepur.

Disposed of.

05.02.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**