

**Sr. No. 217
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM No. M-37152 of 2015
Date of Decision: 29.01.2016**

Monu

...Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. Pardeep Bajaj, Advocate,
for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

TEJINDER SINGH DHINDSA. J (ORAL)

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.102 dated 29.06.2014, under Sections 323, 324, 326, 307, 506, 148, 149, 427 of Indian Penal Code, Sections 326, 307, 427 of IPC were deleted and Sections 302, 120-B of IPC was added, registered at Police Station Division No.7, District Ludhiana.

Counsel for the parties have been heard.

FIR was registered on the statement of Gurjant Singh @ Janta. Occurrence is stated to be of 28.06.2014 during the late hours. Complainant had stated that he along with Ranjit Singh and Avtar Singh @ Tari were returning back home in a i20 car and while crossing a road near the park, some boys were sitting on a cot in the street and which was struck by the car driven by Avtar Singh @ Tari.

An altercation ensued and whereby the complainant as also his

companions Ranjit Singh and Avtar Singh @ Tari were inflicted injuries by Deepak @ Deepu, Shanker and Bablu who were armed with Iron daats. Complainant had also alleged that 10-15 unknown persons had also came and who had also given beatings to all of them. Avtar Singh @ Tari is stated to have succumbed to the injuries suffered in the occurrence.

Name of the petitioner does not even figure in the FIR. Apparently, the petitioner is sought to be implicated on the basis of a supplementary statement by Gurjant Singh on 30.06.2014.

In the trial that has ensued both Gurjant Singh complainant and Ranjit Singh who were also injured as also eye-witnesses in the occurrence have been examined by the trial Court as PW-7 and PW-4. Counsel appearing for the petitioner has referred to the deposition of PW-4 as also PW-7 and who have clearly stated that they do not even identify the accused i.e. the present petitioner who was present in the Court.

Petitioner has been in custody since 26.08.2014.

In view of the circumstances noticed here-in-above and 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 trial Court/Duty Magistrate.

Disposed of.

29.01.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**