

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-43423 of 2015 (O&M)

Date of Decision: 28.01.2016

Jagmohan Singh

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Naresh Kaushik, Advocate for the petitioner.

Mr. Rajiv Doon, A.A.G., Haryana.

Mr. J.S. Saneta, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.169 dated 3.9.2014 under sections 323, 307, 302, 506, 34 I.P.C (sections 148, 149 I.P.C were added in challan), registered at Police Station, Sadar, Ambala.

Learned counsel for the parties have been heard.

F.I.R was registered on the statement of Shyam Lal. Deceased in the present case is Ram Chander. Occurrence is stated to be of 2.9.2014. As per prosecution version, deceased Ram Chander as also his nephew Sant Kumar were attacked by Jaspal Singh son of Bachan Singh, who was armed with a knife as also Jagmohan Singh, present petitioner also stated to be holding a knife in his hand.

As per statement of the complainant, it was co-accused Jaspal Singh, who had given knife blows in the stomach of deceased Ram Chander. In so far as the present petitioner is concerned, he had struck with the knife on the nephew of the complainant namely Sant Kumar.

In the trial that has ensued, PW-1 Sant Kumar injured has been examined before the Trial Court and his statement in chief examination and placed on record would reveal that he has given the same version as was stated by complainant Shyam Lal contained in the F.I.R. In so far as deceased Ram Chander is concerned, the direct and specific attribution of knife blows is to co-accused Jaspal Singh. In so far as the present petitioner is concerned, PW-1 Sant Kumar has stated that he was given knife blows in his stomach.

Even the Post Mortem Report corroborates the version of complainant Shyam Lal as also PW-1 Sant Kumar as three injuries have been found on the person of deceased and all three injuries by a sharp weapon are in the abdominal area.

Petitioner has been in custody since 3.9.2014. The trial in the present case has not progressed. This is for the reason that during the course of investigation Jaswinder Singh and Bachan Singh, who had already been named by the complainant were found to be innocent and as such, not nominated as accused. Subsequently, on account of an application having been filed under section 319 Cr.P.C, they have been summoned to face trial as additional accused. A revision petition against such order is stated to have been filed and is pending adjudication.

In view of the above and coupled with the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of bail. Present petition is, accordingly, allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Ambala.

It is, however, clarified that the observations contained in this order are confined only as regards consideration of the prayer of the petitioner for grant of regular bail and would have no bearing on the merits of the case.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

28.01.2016
lucky