

**Sr. No. 213
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M- 44184 of 2015 (O&M)

Date of Decision: 28.03.2016

Daljit Singh @ Jalad

...Petitioner

Versus

State of Punjab

...Respondent

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

Present:- Mr. Amandeep Singh Manaise, Advocate,
for the petitioner.

Mr. D.S.Virk, AAG, Punjab.

TEJINDER SINGH DHINDSA. J (ORAL)

The present petition has been filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.62 dated 15.04.2014, under Sections 307, 458, 324, 326, 426, 148, 149 of Indian Penal Code, registered at Police Station Patti, District Tarn Taran.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Daljit Kaur pertaining to an occurrence that took place on the intervening night of 14/15.04.2014. Complainant's version was that during the early morning hours of 15.04.2014 some unknown persons had knocked on the main door and upon opening the door some unknown persons armed with datar and other sharp edged weapons came inside and attacked her husband, namely, Gurinder Pal. It is alleged that a

number of datar blows were inflicted and two of the unknown assailants held the right shoulder and right hand of Gurinder Pal and a third person with a datar amputated the right arm of Gurinder pal above the elbow.

The FIR was registered against unknown assailants.

Present petitioner along with co-accused were implicated on the basis of a statement of the injured Gurinder Pal having been recorded under Section 161 Cr.P.C. on 21.04.2014. As per such statement, the present petitioner is alleged to have been armed with a datar and having given datar blows on the legs of injured Gurinder Pal. The datar blow which led to the amputation of the right arm of the injured Gurinder Pal is specifically attributed to co-accused Sikander Singh.

Petitioner was arrested on 04.12.2014.

It has gone uncontroverted that during the course of trial complainant Daljit Kaur i.e. wife of injured Gurinder Pal has been examined as PW-1 and she has not supported the prosecution version. In her examination-in-chief, she has clearly deposed that she does not identify the accused persons in the Court.

It is also the conceded position of the fact that injured Gurinder Pal is an accused in a murder case and in which he has been declared a proclaimed offender.

I find merit in the submissions made by counsel for the petitioner that the timing of deposition of injured Gurinder Pal in the present case before the trial Court is uncertain.

Keeping in view the circumstances whereby the injury

leading to amputation of the right arm of the injured having been attributed to co-accused Sikander Singh, complainant having been examined before the trial Court and not supporting prosecution version as also 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 the Chief Judicial Magistrate/Duty Magistrate, Tarn Taran.

Disposed of.

28.03.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**