

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

CRM No.M-7415 of 2016 (O&M)

Date of Decision: 04.03.2016

Gulab

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Rajnish Gupta, Advocate for the petitioner.

Mr. Deepak K. Grewal, DAG, Haryana.

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TEJINDER SINGH DHINDSA.J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.135 dated 31.07.2015, under Sections 302/34 IPC, registered at Police Station Bapoli, District Panipat.

Counsel for the parties have been heard at length.

FIR came to be registered on the statement of Mohan. Deceased in this case is Kartar Singh i.e. father of the complainant.

Complainant had alleged that on 31.07.2015 an altercation had taken place between his father as also Jai Kumar and Gulab i.e. present petitioner. In the next morning, complainant had found the body of his father lying on a cot with multiple injuries caused in the head. FIR was registered against the present petitioner and Jai Kumar on the basis of suspicion voiced by the complainant that he has full belief that the accused had killed his father by causing injuries with bricks on his head.

Petitioner was arrested on 02.08.2015.

Counsel has adverted to the disclosure statement of Jai Kumar recorded on 01.08.2015 wherein he has stated that he as also Gulab i.e.

present petitioner had an altercation with Kartar Singh (since deceased) on 30.07.2015 and as such, it had been decided to kill Kartar Singh and in furtherance of such objective, Gulab i.e. the present petitioner had caught Kartar Singh when he was sleeping and Jai Kumar had given multiple injuries on the head of Kartar Singh with a brick. It so transpires that co-accused Jai Kumar has thereafter suffered a second disclosure statement on 02.08.2015 in which he has taken a different stand and in which the name of the present petitioner does not even figure.

It is co-accused Jai Kumar, who has allegedly got recovered the brick used in the alleged crime as also identified the place of occurrence.

Investigation in the present case is complete and the challan has already been presented.

The issue as to whether offence under Section 302 IPC is made out against the present petitioner would be a moot question to be considered during the course of trial.

Without making any observations on merits and keeping in view the length of incarceration already suffered by the petitioner, which is in excess of six months as of date, 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, Panipat.

Disposed of.

04.03.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**