

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-7501 of 2016 (O&M)

Date of Decision: 09.05.2016

Devender

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. Y.S. Rathore, Advocate for the petitioner.

Mr. Vivek Saini, D.A.G., Haryana.

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.194 dated 23.10.2015 under sections 302, 506, 34 I.P.C registered at Police Station, Bapoli, District Panipat.

Learned counsel for the parties have been heard.

F.I.R came to be registered at the instance of Jai Kanwar in relation to an occurrence that took place on 20.10.2015. Complainant asserted that his elder brother Ram Kumar was running a cycle repair shop. On 20.10.2015 at about 7 P.M landlord of the shop namely Ram Diya along with son Parveen @ Mahesh called upon Ram Kumar (since deceased) to vacate the shop. Upon Ram Kumar seeking a day's time to do the needful, Ram Diya as also his son Parveen @ Mahesh gave beatings to Ram Kumar with slaps and fists. Specific attribution is against Ram Diya of having given *Danda* blows on the head of Ram Kumar.

As per complainant's version Ram Kumar was admitted to a private hospital on the following day i.e. on 21.10.2015 and who succumbed

to his injuries on 23.10.2015. The present F.I.R came to be registered after the demise of Ram Kumar.

Name of the present petitioner does not even figure in the complainant's version who himself stated that he was an eye witness to the occurrence. Petitioner is sought to be implicated on the disclosure statement recorded of Pawan who is son of Rameshwar Dass under Section 161 Cr.P.C. Pawan is the real brother of the deceased. Even as per such statement the role attributed to the present petitioner is of having caught hold of Ram Kumar while main accused Ram Diya had given a *Danda* blow on the head of the deceased.

Petitioner was arrested on 23.10.2015.

Investigation in the case is complete and the challan already stands presented.

The question as to whether offence under Section 302 I.P.C is made 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, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Panipat.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

09.05.2016
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