

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-821 of 2016 (O&M)

Date of Decision: 30.05.2016

Virender

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. S.P. Chahar, Advocate for the petitioner.

Mr. Anmol Malik, A.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.113 dated 12.4.2014 under sections 148, 149, 323, 325, 302, 201 I.P.C registered at Police Station, Gannaur, District Sonapat.

Learned counsel for the parties have been heard.

F.I.R came to be registered on the statement of Gulshan. Complainant had asserted that his father Rajinder along with Sunil and Ravinder were working as Plumbers at Water Pump, Gannaur. Three months prior to the alleged occurrence, Rajinder had given water connection in the house of one Parveen son of Mool Chand and on account of which an altercation had taken place. It was stated that Parveen had accordingly issued threats to Rajinder. On the night of 12.4.2014, Gurmeet Chowkidar is stated to have telephonically informed one Bhupinder son of Ram Kumar that Parveen along with his accomplices including the present petitioner were fighting with Rajinder, Ravinder and Sunil. Complainant along with his family members having reached at the Water Pump, learnt that Parveen and his companions had together with the intention to kill, inflicted injuries

with sharp edged weapons upon Rajinder i.e. father of the complainant, Sunil and Ravinder. Rajinder is stated to have succumbed to his injuries and Ravinder and Sunil are stated to have suffered injuries.

Present petitioner was arrested on 10.5.2014.

In the trial that has ensued, Gurmeet Chowkidar, who had telephonically informed with regard to the occurrence as also Ravinder, who had suffered injuries in the alleged occurrence, have been examined before the Trial Court. Counsel for the petitioner has referred to the deposition of such witnesses recorded as PW-5 and PW-4 to contend that they have not supported the prosecution version.

Material witnesses including the complainant Gulshan has already been examined before the Trial Court.

The issue as regards offence under Section 302 I.P.C being 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, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, Sonapat.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

30.05.2016
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