

**Sr. No. 229
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM No. M-9308 of 2016 (O&M)

Date of Decision: 21.04.2016

Dharminder Singh

...Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. R.S.Sekhon, Advocate,
for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

TEJINDER SINGH DHINDSA. J (ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.186 dated 03.12.2014, under Sections 307/392/326/341/324/34 of Indian Penal Code, registered at Police Station Kulgarhi, District Ferozepur.

Counsel for the parties have been heard.

FIR was registered on the statement of Rajinder Singh in relation to an occurrence that took place on 25.11.2014. As per initial version of the complainant while he was proceeding on a motorcycle, he was accosted by three unidentified persons armed with kappa, kirpan and baseball bat and injuries were inflicted.

It so transpires that the complainant suffered a supplementary statement on 17.01.2015 in which he specifically named the present petitioner as also three other co-accused, namely, Guravtar Singh @ Gora armed with a kappa, Rashpal Singh armed with a kappa and Jaspal Singh armed with a small kirpan. Insofar as the present petitioner is concerned, he was stated to be armed with a

baseball bat.

Petitioner was arrested on 21.01.2015.

During the course of arguments, counsel for the petitioner has referred to the MLR of Rajinder Singh complainant and which would in turn reflect nine injuries and all are described as sharp incised wounds.

As per version of the complainant himself, the present petitioner was armed with a baseball bat.

It would also be pertinent to take note that in the trial that has ensued, the complainant/injured has already been examined as PW-1 and in his cross-examination he has deposed that the names of the accused including the present petitioner came in the knowledge of his brother as also himself and that these persons/accused were addicted to drugs and they might have committed the offence. Complainant has further deposed that no test identification parade of the accused was got conducted during the investigation by the police.

In view of the above and without making any observations on merits, petitioner 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, Ferozepur.

Disposed of.

21.04.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE