

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-20828 of 2016 (O&M)
Date of Decision: 27.02.2017

Bijender @ Bhura

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. S.K. Verma, Advocate for the petitioner.

Mr. C.S. Bakshi, Addl. 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.114 dated 16.3.2015 under sections 148, 149, 323, 341 and 302 I.P.C, registered at Police Station, Narnaud, District Hisar.

Learned counsel for the parties have been heard.

FIR came to be registered on the statement of Sandeep (since deceased) in relation to an occurrence that allegedly took place on 13.3.2015. As per version of the complainant, while he was present at his house along with his brother Kuldeep, they were attacked by a number of persons including the present petitioner. It so transpires that complainant Sandeep expired on 27.3.2015.

As per prosecution version, the present petitioner had inflicted a *Kasola* blow on the head of Kuldeep.

It has gone uncontroverted that the injuries suffered by Kuldeep on his head have been opined to be simple in nature.

Kuldeep i.e. brother of the deceased as also Om Parkash uncle of the deceased and who are stated to be eye witnesses of the occurrence

have already been examined before the Trial Court. In their deposition the present petitioner has not been attributed any injury on the person of the deceased.

Petitioner has been in custody since 30.3.2015. Out of 21 prosecution witnesses cited 7 have been examined till date. The trial, as such, would take time to conclude. Material witnesses/eye witnesses to the alleged occurrence have already been examined.

Co-accused Suresh and who had also been attributed injuries on the person of Kuldeep has been granted benefit of regular bail by this Court in the light of order dated 29.12.2016 passed in CRM No. M-28701 of 2016.

It would be apposite to take note that the injuries suffered by deceased Sandeep have been attributed to co-accused/non-applicant Jagdish.

In view of the above discussion and without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, Hisar.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

27.02.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No