

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

CRM No.M-28856 of 2016 (O&M)

Date of Decision: 27.02.2017

Lakhwinder Singh & another

... Petitioners

Versus

State of Punjab

... Respondent

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

Present:- Mr. Karamjit Singh, Advocate for
Mr. P.S. Dhaliwal, Advocate for the petitioners.

Mr. P.S. Grewal, DAG, Punjab.

Mr. Kamalpreet Bawa, Advocate for the complainant.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the instant petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioners pending trial in case FIR No.181, dated 07.11.2015, under Sections 307/34 IPC (Section 302 IPC added subsequently), registered at Police Station Moga City, District Moga.

Counsel for the parties have been heard at length.

FIR came to be registered on the statement of Jugraj Singh. Complainant asserted that on 02.11.2015, he along with his son had gone to mandi for doing labour work. One Bikar Singh is also stated to have accompanied them. After finishing the work at wooden mandi, Moga, son of the complainant proceeded back to the house prior in point of time and the complainant and Bikar Singh followed after sometime. Allegations are that at about 8.00 P.M. upon reaching the bridge of a canal, the complainant saw

his son standing on the bridge and next to him one Jaggi and his wife Sonia were also standing. The presence of the two petitioners herein has also been recorded by the complainant. Allegations are that co-accused Sonia had stated that Jagdish (since deceased) had been tarnishing her character and he should be taught a lesson. Upon this, Sonia is stated to have pushed Jagdish from the bridge and due to this, he fell down onto the dry base of the canal. Jagdish is stated to have died on account of the injury suffered on the vertebra of his neck on account of fall onto the dry base of the canal.

As per prosecution version, the role attributed to the present petitioners is that they had inflicted fist blows upon Jagdish prior to Sonia having pushed him off the bridge.

Petitioners were arrested on 09.11.2015.

Sonia who would be seen as a prime accused has been granted benefit of bail by this Court in the light of order dated 03.06.2016 in CRM-M-13869-2016.

The police file has been perused. The post mortem report conducted on Jagdish (since deceased) does not reflect any injury except the injury suffered on the vertebra on the neck upon fall from the bridge and which is on account of push having been attributed specifically to Sonia wife of Jaggi.

Complainant Jugraj Singh i.e. father of the deceased has already been examined before the trial Court.

It is not the case made out on behalf of the State that the petitioners, if granted benefit of bail, would be in a position to influence and hamper the course of a free and fair trial.

In view of the above and coupled with the length of

incarceration already suffered by the petitioners, they are held entitled to the benefit of bail.

Petition is allowed. Petitioners be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Moga.

Disposed of.

27.02.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |