

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

**CRL. MISC. No.M-32530 OF 2017 (O&M)  
DATE OF DECISION : 6<sup>TH</sup> OCTOBER, 2017**

**Sanjay Kumar**

**.... Petitioner**

**Versus**

**State of Haryana**

**.... Respondent**

**CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI**

\* \* \* \*

Present : Mr. Rajat Mor, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Mukesh Rao, Advocate for the complainant.

\* \* \* \*

**A. B. CHAUDHARI, J. (ORAL)**

**CRM-30759-2017 & CRM-32108-2017**

The applications are allowed and Annexures P-6 and P-9 are taken on record, subject to all just exceptions.

**CRL. MISC. No.M-32530 OF 2017**

The petitioner Sanjay Kumar son of Balbir Singh has filed this petition under Section 439 Cr.P.C. seeking regular bail in FIR No.152 dated 24.04.2017 registered under Sections 147, 149, 323, 325, 341, 506 & 302 IPC at Police Station Hansi Sadar, District Hisar.

Heard learned counsel for the rival parties, including the complainant.

This Court did not grant regular bail to the petitioner awaiting the examination-in-chief and the cross-examination of the material witnesses in order that their evidence is not tampered with. By now their evidence has been completed and cross-examination has also been completed. I have seen the evidence of material witness i.e. Mange Ram-complainant and his wife.

Learned counsel for the complainant vehemently opposed the petition for regular bail and submitted that the petitioner was also a member of unlawful assembly and would be equally guilty.

Upon perusal of evidence of complainant i.e. PW-9 Mange Ram, I find that it was Rajesh who has given fatal blow. The allegation against the petitioner is that he had given *lathi* blow to complainant's wife Manju on hands which is specific allegation. Insofar as the evidence regarding assault on the deceased, is concerned, there are general allegations against the petitioner about giving blows. But the fatal injury was caused by co-accused Rajesh.

In that view of the matter, the injury to Rajesh being specific, it would be appropriate to release the petitioner on regular bail, particularly because the petitioner has no criminal antecedents. In the result, I am inclined to grant bail to the petitioner. The petition for regular bail is allowed.

Bail to the satisfaction of the concerned CJM/Duty Magistrate.

Nothing observed hereinabove shall have any bearing on merits of the trial. The trial Court shall decide the trial in accordance with law on its own merits without being influenced by any of the observations made hereinabove.

6<sup>TH</sup> OCTOBER, 2017  
'raj'

(A. B. CHAUDHARI)  
JUDGE

*Whether speaking/reasoned:*                      Yes                      No

*Whether Reportable:*                              Yes                      No