

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

CRM No. M-39546 of 2016 (O&M)

Date of Decision: 15.02.2017

Joginder & another

--Petitioners

Versus

State of Haryana

--Respondent

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

Present:- Mr. Rahul Rathore, Advocate for the petitioner.

Mr. C.S. Bakhshi, Additional Advocate General, Haryana.

Mr. Vimal Singh, 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.360, dated 02.06.2015, under Sections 302/307/324/34 IPC, registered at Police Station Sadar Karnal, District Karnal.

Counsel for the parties have been heard at length.

FIR came to be registered on the statement of Shamsheer Singh in relation to an alleged occurrence that took place on 02.06.2015 and wherein son of the complainant, namely, Parveen @ Gullu lost his life.

As per prosecution version, the present petitioners along with co-accused, Pawan had accosted Parveen as also his friend Babu Ram on the date of occurrence. Specific attribution of having inflicted a knife blow on the chest of Parveen (since deceased) is to Pawan. Insofar as the present petitioners are concerned, they are stated to have inflicted leg and fist blows

upon the deceased. That apart, Babu Ram, who was also an injured in the alleged occurrence is stated to have been inflicted knife blows by the present petitioners. The post mortem report of the deceased Parveen corroborates the version of the complainant and clearly indicates the knife blow attributed to co-accused Pawan and which was the cause of death.

MLR of injured Babu Ram and to whom knife blows had been attributed to the present petitioners shows that he had suffered only simple injuries.

Babu Ram who was an injured as also being an eye witness has also been examined before the trial Court and even in his deposition he has not attributed any knife injury to the present petitioners and on the person of the deceased.

Petitioners were arrested on 03.06.2015.

Trial would take time to conclude.

In view of the discussion herein 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, Karnal.

Disposed of.

15.02.2017

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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