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

**CRM-M No.3991 of 2017
Date of Decision: 09.03.2017**

Amir Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Neeraj Madaan, Advocate
for the petitioner.

Ms. Rimplejeet Kaur, AAG, Punjab.

Mr. Riffi Birla, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.14 dated 19.01.2016, registered under Sections 304, 323, 34 IPC at Police Station Sadar Fazilka, District Fazilka.

Allegations are that on 19.01.2016 at about 10:30 AM, petitioner along with his wife Preeto Bai and sons Sandeep Singh and Malkiat Singh came to the disputed property. Petitioner started digging a pot in the land with the help of a Kahi. On being objected by the complainant party, petitioner

inflicted a Kahi blow from reverse side on the right side of forehead of the complainant Preeto Bai gave a brick bat blow to Indero Bai in her chest. Thereafter, Sandeep Singh gave a brick bat blow to the complainant on his right shoulder. Malkiat Singh, Baldev Singh and Chhindo Bai gave brick bat blows to Sheero Bai. Indero Bai ultimately died on account of Heart Attack. Evidently, no injury was attributed to the petitioner viz-a-viz the person of Indero Bai.

Learned State counsel duly assisted by learned counsel for the complainant submitted that Preeto Bai wife of the petitioner is still at large who has caused fatal injury to deceased Indero Bai.

First bail application of the petitioner was dismissed as withdrawn on 13.12.2016 and thereafter, one prosecution witness has been examined out of 26 witnesses. Petitioner is in custody since 19.07.2016.

Keeping in view the fact that the injury attributed to the petitioner on the person of complainant Machhi Singh has been declared to be simple in nature and without adverting to the merits of the case, it will be just and expedient to grant benefit of regular bail to the petitioner.

Let the petitioner be enlarged on regular bail, subject to

his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

March 09, 2017.
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No