

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

**CRM No.M-45088 of 2016 (O&M)
Date of Decision: 30.01.2017**

Hoshiyar

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Rajeev Sharma, Advocate for the petitioner.

Mr. Satish Saini, DAG, Haryana.

Mr. Sachin Mittal, Advocate for the complainant.

....

TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.287, dated 13.11.2015, under Sections 148/149/302/323/506 IPC, registered at Police Station Farrukh Nagar, District Gurgaon.

FIR came to be registered on the statement of Azad Singh in relation to an occurrence that took place on 13.11.2015 wherein his father Uday Ram was assaulted and who in pursuance thereto died.

Counsel for the petitioner would vehemently contend that the specific role attributed to petitioner is having inflicted a *danda* blow on the right side of the head of the deceased. Counsel has adverted to the post mortem report placed on record at Annexure P-2 and which would show injuries on the scalp and not on the right side but on the left side and which injuries are attributed to co-accused, Pawan.

Be that as it may, Azad Singh complainant and who was an eye witness to the occurrence has not been examined before the trial Court.

He is a material witness.

The instant petition is disposed of as not pressed with liberty to the petitioner to approach this Court afresh after the deposition of Azad Singh complainant is concluded.

Disposed of.

30.01.2017

(TEJINDER SINGH DHINDSA)

harjeet

JUDGE

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