

Sr. No.222

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-5497 of 2017 (O&M)

Date of Decision:14.03.2017

Som Nath @ Soni

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. D.S.Malwai, Advocate,
for the petitioner.

Mr. Naveen Sharma, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.72 dated 01.03.2016, under Sections 323/325/341/506/148/149/342 of Indian Penal Code (later on added Section 302 IPC), registered at Police Station City Barnala, District Barnala.

FIR has been registered on the statement of Kamlesh Rani in relation to an occurrence dated 27.02.2016 that her son Akshay Kumar was assaulted by a number of persons and who succumbed to his injuries. There are specific allegations against the present petitioner as also other co-accused of having encircled deceased Akshay Kumar and having resorted to beatings.

Complainant Kamlesh Rani as also Yogesh Kumar i.e. brother of the deceased are alleged to be eye witnesses.

The afore-noticed two eye-witnesses would be material witnesses. They have not been examined as of date.

Under such circumstances, this Court is not inclined to

entertain the prayer for grant of regular bail at this stage.

Petition is, accordingly, disposed of.

In the meantime, prosecution is directed to make an earnest endeavour to have the deposition of Kamlesh Rani and Yogesh Kumar i.e mother and brother of the deceased to be recorded before the trial Court. .

Liberty is granted to the petitioner to approach this Court afresh in case the two afore-noticed material witnesses are not examined before the Court.

14.03.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No