

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

**Crl. Misc. No.M-7214 of 2017 (O&M)
Date of Decision: March 10, 2017.**

Rishi @ Baggu

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Parshant Vashisth, Advocate
for the petitioner (s).

Ms. Bhavna Gupta, D.A.G., Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 252 dated 26.11.2015 registered for the offences punishable under Section 302 read with Section 34 of Indian Penal Code, at Police Station Division No.5, Ludhiana.

Heard.

Notice of motion.

On asking of the court, Ms. Bhavna Gupta, DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

As per case of the prosecution, deceased Loverattan was having

love affair with Jyoti, whose marriage was fixed for 26.11.2015. On 25.11.2015, there was *Sangeet* ceremony in the house of Jyoti, where the deceased accompanied by 5-6 persons intruded and caused injuries to Jyoti by giving an iron rod blow on her head. Petitioner snatched the iron rod from the hands of deceased and gave blow on his head, which proved fatal and he died.

Learned State counsel submits that there were fourteen injuries on the person of the deceased and most of the injuries were on the vital parts. Instead of over-powering the deceased, who had intruded the house of Jyoti, petitioner and other persons present there caused severe injuries to the deceased and the petitioner is the main accused, whose injury proved fatal.

Occurrence in this case has taken place in the house of Jyoti, whom the deceased had caused injury. Petitioner, who was present there, snatched iron rod and gave blow to the deceased with same iron rod. As to whether injuries were caused to deceased to save Jyoti or petitioner exceeded right of self defence is to be seen and decided by the trial Court on the basis of evidence on record.

Keeping in view the fact that the deceased had gone to the house of Jyoti where the occurrence took place and he had first caused the injury on the person of Jyoti, but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Rishi @ Baggu is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without the prior permission of the Court.

March 10, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***