

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-7425 of 2017 (O&M)

Date of Decision: 16.03.2017

Chhota Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. R.S. Sidhu, Advocate for the petitioner.

Ms. Harpreet K. Athwal, D.A.G., Punjab.

Mr. S.S. Gurna, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.128 dated 18.12.2015 under sections 302, 323, 34 I.P.C, registered at Police Station, Lehra, District Sangrur.

Learned counsel for the parties have been heard.

FIR has been registered at the instance of Akbar Khan in relation to an occurrence that took place on 18.12.2015 and in which father of the complainant namely Bashir Khan was attacked and assaulted by the accused party and as a result of which he succumbed to his injuries.

Perusal of the complainant's version as contained in the FIR reflects a dispute with regard to tethering of cattle. The complainant and his mother Raj Begum were the eye witnesses to the occurrence. Kuldeep Singh i.e. son of the present petitioner was alleged to be armed with a *Kahi* and wife of Kuldeep Singh was alleged to be armed with a *Dang*. The present petitioner is also alleged to have been present at the spot and having exhorted the co-accused to teach Bashir Khan (deceased) a lesson. The

specific attribution is to Kuldeep Singh co-accused/non-applicant of having given a *Kahi* blow which landed on the head of the deceased. In so far as the present petitioner is concerned, the direct attribution is of having caught hold of the arms of the complainant while facilitating Kuldeep Singh to have landed a reverse blow of the *Kahi* on the head of Akbar Khan.

The Post Mortem Report contained in the police file corroborates the version of complainant Akbar Khan as it has been opined that deceased Bashir Khan died of the injury suffered on his head and which is attributed to Kuldeep Singh having delivered a *Kahi* blow.

Present petitioner was arrested on 22.12.2015.

Learned State counsel would apprise the Court that out of 25 prosecution witnesses cited only 5 have been examined till date.

The deposition of material prosecution witnesses i.e. Akbar Khan and his mother Raj Begum already stands recorded before the Trial Court.

Without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, Sangrur.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

16.03.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No