

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-40944 of 2017
Date of Decision: 25.05.2018

Madan Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Surya Parkash, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Sunil Chaudhary, Advocate
for the complainant.

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.200 dated 27.05.2016 registered for offences punishable under Sections 147, 149, 302 of Indian Penal Code (for short, "IPC") and 25 of the Arms Act, at Police Station Sadar Dadri.

Heard.

Facts of the case have been incorporated in order dated 17.02.2017 passed in CRM-M-1846-2017, which are reproduced as follows:-

As per case of prosecution, there was exchange of hot words between the petitioner and Satya, brother of complainant over keeping his sheep and goats in middle of the passage. At this juncture, co-accused Shyam (non-applicant) came to the spot with knife and gave two stabs at the back of

Satya with knife, who was rescued by his brother Sanjay. Thereafter, Shyam and Madan Singh (petitioner) went to their home. Shyam again came towards complainant when he was having conversation with his brother and threatened to kill them all. When Sanjay, Amardeep, Prem and Satya intervened, Shyam went to his house. Thereafter, Sanjay went to the house of Shyam and petitioner to lodge a protest. When he reached their house, Shyam gave knife blows to Sanjay. Petitioner alongwith his brother Sachin also caused injuries to Sanjay with danda. Sanjay fell on the ground. Amardeep, Prem, Satya and Laali went ahead to rescue him and were also caused injuries by the petitioner and his brothers. Sanjay died due to injuries suffered by him.”

Earlier bail application of the petitioner was declined as complainant and other material witnesses had not been examined by then.

Learned counsel for the petitioner submits that the petitioner and other material witnesses have already been examined. Only official witnesses remain to be examined, who cannot be influenced by the petitioner. No injury was attributed to the petitioner

Learned State counsel assisted by learned counsel for the complainant submits that the prosecution has so far examined/given up more than 20 out of 29 witnesses. The next date fixed before the trial Court is 01.06.2018 for recording of remaining evidence.

This fact is conceded that the petitioner has not been attributed any injury caused with sharp edged or pointed weapon to deceased. There were four injuries on the person of deceased out of which two were caused

with sharp edged weapon and two with pointed weapon. The petitioner has been attributed a *danda* blow on the person of deceased.

Keeping in view above facts but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Madan Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/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 previous permission of the Court.

May 25, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No