

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41599-2017

Date of decision: 26.04.2018

Mukhtiar Singh @ Hathiyari

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Jatinder Pal Singh, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.247 dated 07.11.2016 under Sections 302, 341, 148, 149 IPC, registered at Police Station Sadar Ferozepur, District Ferozepur.

Learned counsel for the petitioner submits that as per the allegations in the FIR, six persons namely Mukhtiar Singh @ Hathiyari i.e. present petitioner, his son Rajan Bhandari @ Sherri, Sunil @ Natta, all armed with Kappa, Parveen @ Pappi and her daughter Tanya and one Fauji encircled complainant Vishal Gill @ Fauji and his uncle Darshan Lal, who were going on a motorcycle and the petitioner slapped complainant Vishal. Thereafter, Parveen @ Pappi raised a lalkara to catch hold of the complainant and his uncle that they should not be spared. On hearing this, the complainant ran towards the eucalyptus trees and the accused persons caused injuries to his uncle Darshan

Lal with their weapons and on raising voice, they ran away with their respective weapons. It is further stated in the FIR that when complainant Vishal came back and tried to handle his injured uncle Darshan Lal, his cousin Sonu also came there and injured Darshan Lal succumbed to the injuries sustained by him.

Learned counsel for the petitioner further submits that as per the version given by the complainant, motive behind the occurrence is that on 05.05.2014, Rajan Bhandari @ Sherri i.e. son of the petitioner and Bohri had fired shot on him and the complainant got an FIR registered against them on 16.10.2016. Thereafter, on 16.10.2016, Parveen @ Pappi had got an FIR registered against complainant Vishal with the allegation of miscarriage of her daughter Tanya and on that account, the accused persons have committed the crime. It is further submitted that the alleged occurrence had taken place at the night time and during the inquiry, the police has found three persons namely Parveen @ Pappi, Tanya and Fauji innocent.

Learned counsel for the petitioner has further submitted that the petitioner is in judicial lockup since 20.01.2017 and after submission of the challan, charges were framed on 11.06.2017 and till date, not even a single prosecution witness has been examined.

Learned State counsel, on instructions from ASI Darshan Lal, submits that as per post-mortem report, Darshan Lal received as many as 19 injuries, out of which 18 injuries were incised wound and cause of death is hemorrhage and shock, as a result of injuries sustained by him, which were sufficient to cause death in the ordinary course of nature. Learned State counsel further submits that later on, supplementary challan was presented against two co-accused persons namely Kuldeep and Nirmal Singh and for this reason, the

trial has been delayed.

Without commenting anything on merits of the case, considering the fact that the petitioner is in judicial lockup since 20.01.2017; till date, no prosecution witness has been examined and it will take some time in conclusion of the trial and in view of the contentions raised by learned counsel for the petitioner, this petition is allowed and the petitioner is directed to be released on bail subject to furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

26.04.2018

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No