

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**CRM-M-44258 of 2017
Date of Decision: 5.7.2018**

Bajrang

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Amit Rana, Advocate
for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

RAJ SHEKHAR ATTRI, 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.95 dated 2.4.2017 registered for the offences punishable under Sections 148, 149, 302, 450, 201, 120-B of Indian Penal Code (for short, "IPC") at Police Station Bhattu Kalan, District Fatehabad.

Learned counsel for petitioner submits that the name of the petitioner was not mentioned in the FIR. He has been arraigned solely on the disclosure statement of co-accused Pawan and Parveen. Star witness PW1 Banwari Lal has specifically stated that the petitioner was not present at the spot and he was declared hostile.

I have heard learned counsel for the parties and gone through the record.

Learned counsel for the petitioner has submitted that PW1 Banwari Lal, PW2 Mange Ram, Subhash PW3, PW4 Raj Kumar, PW

Karamjit Singh, PW6 Vinod Kumar, PW7 Mohinder and PW11 Ashok Kumar have turned hostile.

However, a bare perusal of statement of PW12 Satbir Singh, who is an eye witness of the occurrence, establishes that the petitioner along with his associates had inflicted injuries on deceased Gurdial alias Hardyal. The report of Chemical Examiner establishes that death of Gurdial Singh was due to injuries suffered by him. Apart from it, this is no stage to appreciate the evidence meticulously. Trial is in progress.

No case is made out for grant of regular bail to the petitioner.

Dismissed.

July 5, 2018

Paritosh Kumar

**(RAJ SHEKHAR ATTRI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No