

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-47961-2017 (O&M)

Date of decision:12.02.2018

Ram Chander

... Petitioner

Vs.

State of Haryana

... Respondent

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

Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. Ashish Yadav, Additional Advocate General, Haryana.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Petitioner seeks benefit of regular bail pending trial in case FIR No.150, dated 07.05.2017, under Sections 148/149/302 IPC, registered at Police Station Madhuban, District Karnal.

Counsel for the parties have been heard.

FIR has been registered on the statement of Manoj Kumar. Incident is stated to be of 06.05.2017 and in which cousin brother of the complainant, namely, Vijay lost his life.

As per initial version of the complainant, Ram Phal, his wife Bala, sons of Ram Phal, namely, Sagar and Munim had assaulted Vijay (since deceased). Attribution to the present petitioner is of being armed with a danda and having delivered danda blows on the person of Vijay. Sagar and Munim (co-accused) are stated to have inflicted knife blows on the stomach, chest and shoulders of Vijay.

Present petitioner was arrested on 08.05.2017.

Counsel for the petitioner has adverted to the deposition of Manoj Kumar recorded before the trial Court at Annexure P-2, wherein even presence of the present petitioner is not recorded at the place of occurrence.

Counsel has also adverted to the deposition of PW5 i.e. Joginder Lal, who was stated to be an eye witness, recorded before the Additional Sessions Judge-cum-Presiding Officer (Children's Court), Karnal and wherein again such prosecution witness has asserted in his cross examination that Ram Chander i.e. the present petitioner was not present at the spot.

Even Post Mortem Report of Vijay (deceased) has been furnished by learned State counsel and the same has been perused. The Post Mortem Report records a number of incised wounds, which have been attributed specifically to co-accused Sagar and Munim, who were stated to be armed with knives. Cause of death has been opined to be hamerage on account of injuries as described in the Post Mortem Report.

Petitioner has faced incarceration since 08.05.2017.

Offence as to whether made out against the petitioner under Section 302 IPC would be a moot question to be dealt with by the trial Court.

Trial would take time to conclude.

Without making any observations on merit, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to satisfaction of the Trial Court /Duty Magistrate concerned.

Disposed of.

12.02.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |