

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

CRM-M-51715-2018

Date of decision:30.11.2018

Mehnga Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Kamal Narula, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of regular bail in case registered vide FIR No.226 dated 12.12.2015 under Sections 323, 148, 149 of Indian Penal Code, 1860 registered (wherein offences under Sections 302 and Sections 325 of Indian Penal Code, 1860 have been added later on) registered at Police Station Sadar Fazilka, District Fazilka.

The FIR was lodged at the instance of complainant-Makhan Singh wherein it has been alleged that on the day of occurrence when he along with his brother-in-law (Jija) Mukhtiar Singh was standing near his

house then accused/appellant Mehnga Singh gave a blow with '*Gandasi*' hitting on the left side of his flank. Ashu son of Mehnga Singh is alleged to have given a '*Dang*' blow hitting the complainant on his right knee. Jalandhar Singh son of Mehnga Singh is stated to have given a dang blow hitting right flank of the complainant. Dilawar Singh, Balwant Singh, Sukhdev Singh, Harnek singh, Suman Rani, Ram singh, Bimla Rani, Lal Singh @ Lali and another about 5 persons are also stated to have given beatings to the complainant and used abusive language. It is alleged that when Arjan Singh and Manjit Singh came forward to rescue the complainant, they were also caused injuries. It is the case of the prosecution that while Arjan Singh succumbed to his injuries, Manjit Singh and Mukhtiar Singh sustained simple injuries.

Notice of the petition was issued to the respondent-State.

Learned counsel for the petitioner has submitted that as per the FIR, the only injury attributed to Mehnga Singh is stated to have been caused by him on the left flank of injured-complainant and that, he is specifically not attributed any injury to the deceased Arjan Singh.

On the other hand learned State counsel has stated that Arjan Singh was found to be having incised wound on his right flank, which proved fatal and resulted in his death and that it is the petitioner who was carrying a '*Gandas*' and thus it is apparent that it is the petitioner who had caused fatal injury in question. It has been informed that challan has already been presented and 2 out of 12 witnesses have been examined.

Having considered rival contentions addressed before this court and without commenting on merits of the case and bearing in mind

that almost 3 years have elapsed since the arrest of the petitioner and till date only 2 witnesses out of 12 witnesses have been examined, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars, especially keeping in view the fact that the conclusion of trial, in its normal course, is likely to take some time. Accordingly, petitioner-Mehnga Singh is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate Fazilka.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

This petition stands accepted accordingly.

30.11.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**