

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

Criminal Misc. No.M-51737 of 2019(O&M)

Date of Decision: December 10, 2019

Tushar Narang

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

--

Present: - Mr.Preetinder S.Ahluwalia, Advocate and
Mr.D.S.Mann, Advocate for the petitioner.

Mr.K.S.Aulakh, DAG, Punjab.

-

HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of bail in case FIR No.274 dated 02.09.2018 under Sections 302, 323, 325, 148, 149 and 120-B IPC (Charges framed against the petitioner u/s 304 IPC), Police Station City Rajpura, District Patiala.

The FIR was registered on the statement of deceased Paramjit Singh wherein, he alleged that Goldy, Saurav and few other unknown boys had given beatings to him.

Learned counsel for the petitioner has argued that the petitioner was not named in the FIR. He came to be named as an accused on the basis of statement made by Jagdev Singh, brother of the complainant, who in his statement made under Section 161 CrPC stated that on making enquiry at his own level he came to know that the petitioner Tushar Narang along with Goldy, Rebbi, Gaurav Khurana, Shanty Kumar, Deepak and Mayank had given beatings to the complainant. It is argued that as per MLR of injured

Paramjit Singh (Annexure P-2) he had sustained four injuries, of which three

were on the leg. There was also defused swelling with pain of the nose with blood clots for which he was advised naval X-ray/ENT opinion. As per the report of the Radiologist the petitioner suffered fracture of tibia on the right leg. The complainant died after 11 days of the incident. As per the postmortem report, the cause of death were injuries and their complications which were ante-mortem and sufficient to cause death in ordinary course of nature.

Ld. counsel further argued that during the course of investigation, the petitioner was found innocent and an application was moved by the prosecution before the Court seeking his discharge from custody. He was not even found present at the spot. Only Saurav, Sandeep @ Goldy, Mukesh @ Rimbu and Sahil Kukreja were present at the spot when the occurrence took place. Though the petitioner was found innocent, the Trial Court framed a charge against the petitioner under Section 304 IPC.

The petitioner is in custody since 30.04.2019. The trial of the case has commenced.

In the circumstances, without expressing any opinion on the merits of the case, this petition is allowed. The petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

December 10, 2019

(HARINDER SINGH SIDHU)
JUDGE

gian

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No