

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-34702-2020 (O&M)
Date of Decision:05.11.2020**

Jora Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Ms. Harmanpreet Kaur (Simmi), Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner seeks benefit of regular bail pending trial in FIR No.175 dated 07.12.2019, under Sections 148, 149, 302 and 323 IPC, registered at Police Station Alewa, District Jind.

Counsel for the parties have been heard.

FIR has been registered in relation to an occurrence that took place on 06.12.2019 at about 8-8.30 P.M. Complainant is Sewa Singh and deceased is his brother, namely, Kuldeep Singh. There are specific allegations made by the complainant against Ajay (co-accused/non-applicant) of having attacked deceased Kuldeep Singh with a *gandasa* and thereafter son of the petitioner herein having given kick blows on the abdomen and private parts of Kuldeep Singh.

Insofar as the present petitioner is concerned, the attribution is of having given *danda* blows on the person of Mahipal @ Bobby and such

injury has been opined to be simple in nature. There is no attribution at the hands of the complainant to the petitioner of having caused any injury to deceased Kuldeep Singh. However, as per prosecution version a confessional statement of the petitioner himself of having delivered kick blows upon the person of Kuldeep Singh after he had fallen down upon having hit by *gandasa* blows by Ajay.

The evidential value of such confessional statement would be an issue to be dealt with by the Trial Court.

Petitioner was arrested on 24.12.2019.

investigation in the case is complete and the challan stands presented. Co-accused Mandeep has been granted benefit of bail by this Court in the light of order dated 07.10.2020 in CRM-M-30266 of 2020. State counsel has informed the Court that out of 26 prosecution witnesses cited, none has been examined till date. Trial, as such, would take time to conclude.

In view of the above and without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

05.11.2020
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No