

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

CRM-M-47775-2019 (O&M)

Date of Decision: 24.09.2020

George Masih

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. L.M. Gulati, Advocate for the petitioner.

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

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TEJINDER SINGH DHINDSA, J. (ORAL).

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

Petitioner seeks benefit of regular bail pending trial in case FIR No.229, dated 13.11.2016, under Sections 302/307/379-B/148/149/427/120-B IPC (Section 201 IPC added subsequently), registered at Police Station Sadar Amritsar, District Amritsar.

Counsel for the parties have been heard.

FIR came to be registered on account of death of one Chand Masih.

In the alleged occurrence, one Manjinder also suffered injuries. The eye witnesses to the occurrence apart from Manjinder was brother of the deceased, namely, Sunil Masih (complainant).

The post mortem report of Chand Masih would reveal that the cause of death is injury No.1 which has been described as follows:

“1. 10x2 cms incised wound obliquely placed on back of right ear over right temporo parieto occipital region, 1.5 cm above tip of mastoid underlying skull bone cleanly cut exposing meninges and brain. Brain matter cut. Infiltration present.”

It has gone uncontroverted that injury No.1 stands specifically attributed to Rahul @ Lala (non-applicant).

Learned State counsel has informed the Court that Manjinder who suffered injuries in the incident and who was an eye witness has also since expired.

That apart, the complainant i.e. brother of the deceased and who was an eye witness as also mother of the deceased have not supported the prosecution version qua the petitioner.

Petitioner has already suffered incarceration since 28.03.2019.

In view of the above, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Disposed of.

24.09.2020

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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