

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

**CRM-M-4209-2021
Date of Decision: 17.03.2021**

IQBAL SINGH

... PETITIONER

V/S

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Robin Singh Hooda, Advocate for the petitioner.

Mr. Amrik Singh Narwal, DAG Haryana.

(The case has been taken up through video conferencing on account of Covid-19 pandemic)

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VIVEK PURI, J. (ORAL)

Petitioner has prayed for grant of regular bail in case FIR No.200 dated 9.6.2019, under Sections 323, 324, 34 IPC, 1860 (Sections 307, 302 of IPC added later on), registered at Police Station Rania, District Sirsa.

Briefly, the FIR has been registered on the basis of the statement of Palwinder Kaur alleging that on 8.6.2019, she saw her brother Iqbal Singh, petitioner coming out of his house with a spear in his hand. Baljit Kaur, wife and Surender Singh @ Chindu, son of the petitioner armed with sticks also came out of the house and inflicted injuries on the person of Harjinder Singh, who is also the brother of the complainant. The petitioner inflicted spear blow in the abdomen of Harjinder Singh and two other assailants attacked with sticks. Harjinder Singh was shifted to hospital where he succumbed to the injuries.

It has been contended by learned counsel for the petitioner that the petitioner is in custody since 3.7.2019. The sole eye-witness Palwinder Kaur, complainant has not supported the prosecution version. The

petitioner is not involved in any other case, two co-accused were found innocent during investigation and 3 out of 18 witnesses have so far been examined.

Learned State counsel, on instructions from SI Rajender Singh, has not disputed the aforesaid factual aspect of the case but has argued that blood stained spear used in the commission of crime have been recovered in pursuance of the disclosure statement of the petitioner.

Be that as it may, the sole eye-witness in the instant case has not implicated the petitioner with the commission of crime. Furthermore, the petitioner is in custody since 3.7.2019 and he is not involved in any other case. The effect of recovery of blood stained spear at the instance of the petitioner can be seen during the course of trial at the appropriate stage.

In the circumstances of the case, sufficient grounds are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

17.03.2021

Janki

(VIVEK PURI)
JUDGE

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