

205.

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

CRM-M-6799-2021

Date of Decision: 22.11.2021

(Heard through VC)

HARMINDER SINGH

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. D.S. Pheruman, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.20, dated 21.03.2020 registered under Sections 302, 323, 452, 34 of IPC at Police Station Rangar Nangal, District Batala.

Learned counsel for the petitioner would contend that the FIR has been got registered by Sandeep Singh, son of the deceased with an allegation that the petitioner herein had inflicted injuries upon his father. It is submitted that the cause of inflicting injuries was that the deceased and the complainant (i.e. father and son) would consume liquor and harass Kamaljit Kaur wife of Sandeep Singh and sister of the complainant. It is thereafter because of this harassment that the injuries were inflicted leading to the death of Sukhraj Singh. It is argued that the petitioner herein has been falsely implicated in the said matter as would be evident from the fact that the statement of Sandeep Singh has been recorded who is a material witness

and has not supported the version, as set out by the prosecution. It is also argued that the other material witnesses i.e. the daughter-in-law of the deceased (wife of the complainant) as well as widow of Sukhraj Singh deceased have also not supported the prosecution version. It is argued that since all the material witnesses have already been examined who have not supported the prosecution version, the petitioner, who is in custody since 02.04.2020 is no longer required.

On the other hand, learned State counsel while opposing the grant of regular bail to the petitioner, would contend that MLR is to be taken into consideration which would reflect that the deceased had injuries on his skull which would match the statement as given by the complainant in the FIR. There were 12 injuries on the body of the deceased.

I have heard learned counsel for the petitioner and taking into account that the material witnesses have already been examined who have not supported the prosecution case, deem it appropriate to allow regular bail to the petitioner at this stage.

Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

22.11.2021

sanjeev

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No

(JAISHREE THAKUR)

JUDGE