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

**CRM-M No.8366 of 2021 (O&M)
Date of Decision: 02.03.2021**

Sahil Loi

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Arnav Sood, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail in his third attempt under Section 439 Cr.P.C in case bearing FIR No.125 dated 29.12.2018 registered under Sections 302, 506, 34 IPC at Police Station Mehtiana, District Hoshiarpur.

FIR was registered on the statement of Harbhajan Singh with the allegations that on 28.12.2018 at about 8 PM, he along with son of his parental uncle namely Baljit Singh was going to see his brother, who did not return home from the

house of Hans Raj. When they reached near the house of Paramjit Singh, then they saw that Tarlok Chand @ Kali, Jatinder Kumar @ Tejinder @ Gagan and one unidentified person with muffled faces were giving injuries to his brother. They were carrying by his legs and arms. Tarlok Chand @ Kali hit the head of his brother by a brick near the electricity meter at the chowk. Jatinder Kumar @ Tejinder @ Gagan gave blows with reverse side of kirpan. Unknown persons held the hand of brother of the complainant and pressed the same between box of electricity meter.

Learned counsel for the petitioner submitted that the complainant in his statement as PW1 has not identified the unknown person, who is alleged to be the petitioner.

As per postmortem report, only three injuries were found on the person of the deceased i.e.

**1. REDDISH ABRASION 5X4CM WITH CETNRAL
ABRADED AKIN IS SEEN ON LATERAL
ASPECT OF LEFT CHEST.**

**2. FRACTURE NASAL BONE BLEEDING FROM
NOSE AND MOUTH AND EARS.**

**3. MULTIPLE INCISED WOUNDS RANGING FROM
1.5X0.5 CM, SCALP DEEP TO 15X5 CM, BONE**

**DEEP PRESENT ALL OVER SCALP, MAIN
WOUND IS SEEN OVER BACK OF SCALP,
UNDERLYING SKULL BONE IS FRACTURED.**

Learned counsel for the petitioner by referring to the aforesaid injuries submitted that the injuries do not correspond to the alleged role attributed to the unknown person(s), even if, the allegations are taken to be on the face value. No injury was found on the hands of the complainant. Cause of death was due to excessive intracranial lung due to laceration of brain due to head injury which is sufficient to cause death in ordinary course of nature.

Co-accused Jatinder Kumar @ Tejinder @ Gagan has been granted regular bail vide order dated 17.02.2021 passed in CRM-M No.35088 of 2020. By referring to the aforesaid order, learned counsel for the petitioner further submitted that the case of the petitioner is on better footing as the alleged attribution to the petitioner (unknown person(s) in the FIR) has not come to fore even as per postmortem report. Third unknown person in the FIR has not been identified by the complainant while deposing as PW 1. Petitioner is in custody since 29.12.2018. Out of 15 prosecution witnesses, only 1 witness has been examined so far.

Learned State counsel, however, opposed the bail on the ground that the petitioner has participated in the occurrence and has also caused injuries on the hands of the deceased.

In view of material on record, complicity of the petitioner would remain debatable.

Keeping in view the custody of the petitioner, stage of the trial and material available on record, I deem it appropriate to enlarge the petitioner on regular bail without adverting to the merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

02.03.2021

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No