

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
214) CRM-M-42757 of 2020 (O&M)
Date of Decision: 25.01.2021

Attar Singh alias Attari

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Atul Goyal, Advocate, for the petitioner.
Mr. Amit Mehta, Sr. DAG, Punjab

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conferencing.

By this petition, filed under the provisions of Section 439 of the Cr.P.C, the petitioner seeks the concession of 'regular bail', upon FIR no.217, dated 15.11.2019, having been registered at Police Station Khanna City-2, Police District Khanna, alleging therein the commission of offences punishable under Sections 302 and 34 of the IPC.

Learned counsel for the petitioner points out that even as per the FIR itself, it was the petitioners' co-accused, Jagtar Singh @ Tari, who inflicted multiple blows with a rod on the back of the neck of the deceased, with the petitioner having been attributed kick blows, after the deceased fell on the ground (due to the blows on his neck).

Upon query to the learned State counsel, he points to the post-mortem report, wherein 4 wounds are shown to have been inflicted on the head and neck region. (All are shown to be 'incised wounds').

That being so, with the petitioner having been in custody for slightly more than 1 year, with no kick blows shown to have caused any

wound, as per the post mortem examination, with the trial still not having commenced as yet, the present petition is allowed, with the petitioner ordered to be admitted to bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial court/CJM/Duty Magistrate concerned.

It is however made clear that the aforesaid observation by this court is only in the context of this petition filed under the provisions of Section 439 of the Cr.P.C and obviously the trial court shall eventually consider the allegations against the petitioner wholly on the basis of the evidence led before it.

25.01.2021
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(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No