

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37458-2021 (O&M)
Date of decision: 28.01.2022

Inder Dhir

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Arjun Sheoran, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.103 dated 05.04.2021 under Section 302 IPC, registered at Police Station Kotwali, District Patiala.

Learned counsel for the petitioner submits that the FIR was registered on the statement of Pardeep Kumar with the allegations that his younger brother Sandeep Kumar is doing mechanical work. On 05.04.2021, he was standing near a sweet shop and his brother along with his friends Inder Kumar and Gurmeet Singh was coming on his motorcycle. In the

meantime, a young person came on his scooty from the opposite direction and took out a knife and gave a blow of knife to his brother Sandeep Kumar. His friends Inder Kumar and Gurmeet Singh tried to save him, but after inflicting the injuries, accused ran away from the spot. It is further submitted that in fact, the entire incident was recorded in CCTV camera installed in the nearby shop, footage of which is attached as Annexures P-3 & P-4 (colly.).

Learned counsel, with reference to aforesaid photographs, has submitted that in fact, the victim riding the motorcycle with two pillion riders was seen coming from the opposite directions of the petitioner, who was coming on a scooter and with the right hand, the victim was trying to caught hold of the petitioner and in fact, he succeeded and in that process, the petitioner lost balance and he fell down from his scooter. Later on, scuffle took place among all four of them, in which the petitioner was on one side and three persons on other side and even he has suffered injuries. Learned counsel further submits that it will be a matter of trial whether the petitioner or the deceased had opened the attack, as the petitioner has only acted in his self-defence to save his body, as even he has suffered four injuries and in that process, victim was also suffered injuries and died. It is further submitted that the petitioner is in custody for the last 09 months and 19 days; investigation is complete and it will take some time in conclusion of the trial.

Reply by way of affidavit of Deputy Superintendent of Police, City-I, Patiala is on record, in which facts stated in the FIR are verified and

it is stated that statements of two witnesses, who were pillion riders, were recorded under Section 161 Cr.P.C. and they have given the similar version as in the FIR that the petitioner was carrying a knife and attacked Sandeep Kumar, though the said version is in variance with CCTV footage, where it is seen that the deceased was riding the motorcycle, who caught hold of the petitioner and thereafter, he fell down from the scooter and then they started fighting with each other. It is further stated that as per post-mortem report, the deceased died due to injury No.3, which is an incised wound on the lower side of the chest, was declared sufficient to cause death.

Learned State counsel submits that out of total 24 prosecution witnesses, 02 PWs have already been examined.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the aforesaid submissions, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

28.01.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No