

against the petitioner and other persons as a offshoot of the FIR No. 115 dated 18.05.2021 registered on behalf of the petitioner party on account of the murder of their father. He contends that there is a unexplained delay of seven days in lodging of the said cross version and infact the other party was aggressor. He submits that none of the injuries has been attributed on the vital parts of the body and during the course of trial prosecution has examined the material witnesses but have not lend any support to the case of the prosecution, petitioner is in custody since 10.07.2023 and as such prays for grant of concession of bail.

3. On the other hand, learned State counsel has opposed the bail petition proclaiming that the petitioner had caused grievous injuries, however he has not controverted the fact that the material witnesses examined during the course of trial have not lend any support to the case of the prosecution against the petitioner.

4. After considering the rival contentions and perusing the record, it transpires that the present FIR No. 115 dated 18.05.2021 was got registered by Tarsem Singh (brother of the petitioner) against Shamsher Singh and others with allegations that they had caused the death of their father Mukhtiar Singh and also caused multiple injuries to Tarsem Singh. Thereafter a cross version in the case vide the instant General Diary No. 34 dated 25.05.2021 was got registered by the said Shamsher Singh after a gap of seven days from the date of registration of the FIR, on the basis of which present petitioner and other co-accused has been booked under Section 326, 325, 34 IPC. Although the injuries are grievous as has been attributed to the

petitioner but is stated to be on non vital part. The petitioner is in custody since 10.07.2023 and it is not disputed that after completion of investigation the challan was presented in Court wherein the prosecution has examined 4 material witnesses qua the alleged cross version and none of them have lend any support to the case of the prosecution. The criminal liability, if any, to the petitioner would be ascertained after conclusion of trial, which may take sufficient long time.

5. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

17.11.2023

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No