

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRM-M-15914 of 2015
Date of Decision:-25.5.2015

Krishan @ KrishaPetitioner

Versus

State of HaryanaRespondent

2. CRM-M-16110 of 2015
Date of Decision:-25.5.2015

AshokPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. S.S Kharb, Advocate for the petitioner(s).

Mr. M.S Sidhu, Addl.A.G., Haryana.

TEJINDER SINGH DHINDSA, J. (ORAL)

This order shall dispose of CRM-M-15914 of 2015 titled as (Krishan @ Krisha Vs. State of Haryana) and CRM-M-16110 of 2015 titled as (Ashok Vs. State of Haryana) as these two connected petitions have been moved under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioners in case FIR No. 180 dated 06.8.2013 under Sections 148/149/323/324/325/341/506/302 IPC, registered at Police Station Lakhan Majra, District Rohtak.

Counsel for the parties have been heard at length.

The date of alleged occurrence is stated to be 06.08.2013. Name of the deceased is Yashpal. F.I.R was registered on the statement of Wazir son of Ram Kumar. Complainant had stated that 10-15 days prior to the offence having been committed, a

scuffle had took place between the children of his family as also children of family of Kuldeep. On 6.8.2013 i.e. on the alleged date of occurrence Wazir along with his brother Rambir were stated to be going to the fields and when they reached the turn of Chandiwala Dabra, then, the petitioners herein as also some others were present there armed with sticks, jallys, farsa, knives etc. having hatched a conspiracy. Wazir and his brother Rambir were stopped at the spot and were attacked. Yashpal son of Bani Singh and Mahabir son of Bhim are also stated to have reached at the spot and were also attacked and inflicted injuries. Complainant's version is that Ram Kumar son of Hoshiara Singh and Brij Bhan son of Lal Chand also came present in the meanwhile and were also attacked.

Yashpal is stated to have succumbed to his injuries two days thereafter.

In so far as Krishan @ Krisha petitioner in CRM-M 15914 of 2015 is concerned, he is stated to have given a *lathi* blow upon Ram Kumar. Krishan has been in custody since 11.8.2013.

As far as Ashok petitioner in CRM-M-16110 of 2015 is concerned, he has been attributed a jelly blow upon Rambir. However, MLR pertaining to Rambir reveals only two blunt injuries. Ashok is in custody since 07.8.2013.

Both the petitioners in these connected petitions have not been attributed any injury qua deceased Yashpal. The direct and specific allegation is against co-accused Kuldeep (non-petitioner) for having inflicted a farsa blow to Yashpal (deceased) on his head.

It is a case of version and cross-version. It has not been disputed that complainant Wazir as also seven others namely, Prem Singh son of Bhim Singh, Kukku @ Harphul son of Bani Singh, Mahabir son of Bhim Singh, Rambir Singh of Ram Kumar, Partap son of Nathu Ram, Brij Bhan son of Lal Chand and Ram Kumar son of Hoshiar Singh have been summoned in a cross case filed by Kuldeep Singh under sections 148, 149, 323, 325, 326, 307 I.P.C in the light of order dated 25.9.2014, passed by the learned S.D.J.M., Meham.

In the present case, learned State counsel has apprised the Court that complainant Wazir has already been examined by the Trial Court. The trial, otherwise, is still at the initial stage and would take time to conclude.

The backdrop to the alleged occurrence even as per version of the complainant is a scuffle between children of two different families. The case does not carry any overtones of an inter-gang rivalry and involvement of hardcore criminals. It is a cross case as well.

It has also gone uncontroverted that co-accused i.e. Ramesh @ Bhagta, Pradeep @ Bhola, Sunil @ Leela and Kaptan @ Kuku have been granted the benefit of regular bail vide a common order dated 08.05.2015, passed by this Court in CRM-M-42677 of 2013 and other connected petitions.

In the totality of circumstances and keeping in view the custody period already suffered by the petitioners, they are held entitled to the benefit of bail.

Petitions, accordingly, are allowed.

Petitioners namely, Krishan @ Krisha and Ashok be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

25.5.2015

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