

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

224

CRM-M-20092 of 2015

Date of Decision: August 03, 2015

Prem Singh

....Petitioner

VS

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Vikram Singh Dhakla, Advocate,
for the petitioner.

Mr. M.S. Sidhu, Addl. AG, Haryana.

Mr. Ravinder Malik, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J. (Oral)

Petitioner seeks benefit of the regular bail in case FIR No.180 dated 06.08.2013, registered under Sections 148, 149, 323, 324, 325, 341, 302 and 506 of IPC of Police Station Lakhan Majra, District Rohtak, during pendency of the trial.

Learned counsel for the parties have been heard.

The date of alleged occurrence is stated to be 6.8.2013. Name of the deceased is Yashpal. FIR 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 Chandiwalla Dabra, then, the petitioner 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.

In so far as the present petitioner is concerned he is stated to be armed with a fursa and has been attributed blows on the head of injured-Mahabir son of Bhim.

In the MLR of Mahabir, the doctor has opined that the two injuries on his head have been caused by a blunt weapon.

Concededly, no injury has been attributed to the present petitioner in so far as deceased-Yashpal is concerned.

It has gone un-controverted that co-accused Ramesh @ Bhagta, Pradeep @ Bholi, Kaptan @ Kuku and Sunil @ Leela have been granted benefit of regular bail in terms of order dated 08.05.2015 passed by this Court in CRM-M-42677 of 2013 and other connected petitions.

The direct and specific allegation is against co-accused-Kuldeep (non-petitioner) who inflicted a fursa blow to Yashpal (deceased) on his head.

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.

The petitioner has been in custody since 13.08.2013.

The trial is stated to be still at the initial stage and will take time to conclude.

In the totality of circumstances and without making any observations on merits and keeping in view the length of incarceration already suffered by the petitioner, he is held entitled to the concession of bail.

Petition is allowed.

Petitioner be enlarged on bail subject to the satisfaction of trial Court/Duty Magistrate.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

03.08.2015
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