

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

(106)

CRM-M-24020-2015

Decided on: October 05, 2015.

Maya Ram

.... Petitioner

Versus

State of Haryana

..... Respondent

(2)

CRM-M-27072-2015

Decided on: October 05, 2015.

Desh Raj

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. V.K. Jindal, Sr. Advocate, with
Mr. Amardeep Shoran, Advocate,
for the petitioner (in CRM-M-24020-2015).

Ms. Loveleen Dhaliwal, Advocate,
for the petitioner (in CRM-M-27072-2015).

Mr. D.R. Singla, DAG, Haryana.

Mr. Tribhawan Singla, Advocate,
for the complainant.

M.M.S. BEDI, J (ORAL)

This order will dispose of two applications for grant of regular bail, one (CRM-M-24020-2015) filed by Maya Ram who as a member of unlawful assembly had assaulted and hanged the deceased and the other (CRM-M-27072-2015) filed by Desh Raj who is aged about 86 years and is father of deceased Pritam Dass.

The FIR was registered at the instance of Mohan Lal son of Pritam Dass alleging that his father was assaulted by Desh Raj along with others after trespassing the fields of the complainant. The crops and the house was damaged. Desh Raj is alleged to have attacked the deceased with 'lathi' and hanged him with a rope on the tree. He gave 'lathi' push on the abdomen of the deceased and participated in hanging of his son. So far as Maya Ram is concerned, though he was also named in the FIR having participated in the hanging of father of the complainant with a tree. Challan was presented against him under Section 306 IPC along with other sections.

Learned counsel for the complainant has intervened to state that the trial Court has framed charges under Section 302 IPC against Maya Ram also, he being member of unlawful assembly and having participated in the event of hanging the deceased after beating him.

I have heard learned counsel for the petitioners as well as learned counsel for the complainant, besides State counsel.

It is an admitted fact that a civil case had been filed by deceased Pritam Dass regarding the property which was decided against him and in favour of his father Desh Raj. Petitioner Desh Raj is admittedly about 86 years of age. He had allegedly assaulted his son along with others as a member of unlawful assembly and hanged him. The FIR has been registered by none else but the son of the deceased i.e. grandson of Desh Raj. So far as Maya Ram is concerned, a dual version regarding the death of Pritam Dass has already cropped up whether his death was a result of suicide or it was pursuant to the assault by his father. Complainant has already been examined. Petitioner Desh Raj is in custody w.e.f. 27.07.2012

whereas Maya Ram had earlier been found innocent and by way of supplementary challan, was made to face trial inter alia for offence under Section 306 IPC. No doubt, the Court has opted to charge framed against him also under Section 302 IPC read with Section 149 IPC.

Taking into consideration the nature of the allegations, age of the petitioner Desh Raj and his period of detention and dual version qua Maya Ram, the petitioners can be granted the concession of bail.

Both the petitions are allowed. Petitioners are ordered to be released on bail on their furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to the condition that petitioners will not indulge in any activity which would tantamount to tampering the evidence or interfering in expeditious disposal of the trial.

In case of any such eventuality, it will be open to the prosecution agency or the complainant to approach this Court for cancellation of the bail.

(M.M.S. BEDI)
JUDGE

October 05, 2015
harsha