

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-42677 of 2013 (O&M)

Date of Decision: 08.05.2015.

Ramesh @ Bhagta

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. J.S. Bedi, Sr. Advocate with
Mr. L.S. Chahal, Advocate,

Mr. Harikesh Singh, Advocate,

Mr. Aman Pal, Advocate,

Mr. Narender Pal Bhardwaj, Advocates
for the petitioners.

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

Mr. Ravinder Malik, Advocate for the
complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of CRM No. M-42677 of 2013 (Ramesh @ Bhagta Vs. State of Haryana), CRM No. M-1665 of 2014 (Pradeep @ Bhola Vs. State of Haryana), CRM No. M-17145 of 2014 (Kaptan @ Kuku Vs. State of Haryana) and CRM No. M-6408 of 2015 (Sunil @ Leela Vs. State of Haryana) as these connected petitions have been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioners herein in case F.I.R. No. 180 dated 6.8.2013 under sections 148, 149, 323, 324, 325, 341, 302, 506 I.P.C registered at Police Station, Lakhna Majra, District Rohtak.

Learned counsel for the parties have been heard at length.

The date of alleged occurrence is stated to be 6.8.2013. 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 Chandiwalla 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 Ramesh @ Bhagta, petitioner in CRM No. M-42667 of 2013, even though, he is stated to be armed with a pistol and being present on the spot no injury has been attributed to him upon deceased Yashpal. As per statement of injured Mahabir son of Bhim recorded under section 161 Cr.P.C Ramesh is alleged to have given a jally blow on the right hand and as per medico legal examination of Mahabir coupled with the X-ray report, he has suffered a fracture of the right wrist. Furthermore, in terms of statement of injured Brij Bhan son of Lal Chand recorded under section 161 Cr.P.C, Ramesh present petitioner is stated to have inflicted a

jally blow on the head but such injury has been opined to be simple in nature. Ramesh has been in custody since 24.9.2013.

Pradeep @ Bhola i.e. petitioner in CRM No. M-1665 of 2014 is alleged to have given a knife blow upon complainant Wazir Singh but as per M.L.R the injuries suffered by Wazir are stated to be blunt and there is no sharp injury. Pardeep @ Bhola has been in custody since 25.9.2013.

Sunil @ Leela i.e. petitioner in CRM No. M-6408 of 2015 is alleged to have given a jally blow upon Partap but in the M.L.R relating to Partap the same reports only two blunt injuries. Petitioner Partap has been in custody since 11.8.2013.

In so far as Kaptan @ Kuku i.e. Petitioner in CRM No. M-17145 of 2014, the only allegation is of having given lathi blows upon Partap, Ashok and others.

None of the petitioners in these connected petitions has been attributed any injury qua deceased Yashpal. The direct and specific allegation is against co-accused Kuldeep (non-petitioner) of 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 Hoshier 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.

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 be enlarged on bail subject to satisfaction of Trial Court.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

May 08, 2015
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