

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-25585 of 2016

Date of Decision: September 9, 2016

Ramesh

.....Petitioner

Vs.

State of Haryana

.....Respondent

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

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Present:- Mr.J.S. Bedi, Sr. Advocate with
Ms. Diya Sodhi, Advocate
for the petitioner.

Mr. G.S. Salwara, DAG, Haryana.

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

Petitioner seeks the concession of regular bail in a case registered at the instance of complainant Ranbir alleging that on May 11, 2015, the complainant along with his father Partap and nephew Sukhwinder Singh gone to their fields to cultivate the land when the petitioner along with co-accused Ramphal and Lal Singh arrived on the spot armed with spades and attacked complainant Ranbir and his father Partap. As per the allegations of the complainant, Indro, Premo and Shakuntla also arrived on the spot armed with Jelly and assaulted the father of the complainant as a result of which Partap died.

So far as petitioner is concerned he has been attributed a spade blow on the middle of the back of complainant Ranbir. The parties appear to be related to each other being cousins.

Counsel for the petitioner has submitted that Ramphal on the side of the petitioner had received grievous injury on account of which a complaint has been filed in which the complainant side has been summoned for trial. All the material prosecution witnesses have been examined.

With the assistance of counsel for the petitioner and State counsel, I have gone through the examination of complainant Ranbir and Sukhwinder Singh. It is apparent from the said testimonies that petitioner, Ramphal and Harbhajan are sons of uncle of complainant. There is apparently a dispute regarding the ownership and possession of land as has been admitted by the PW.

Be that as it may, it is sufficient to observe that the petitioner is not attributed any specific injury on the person of deceased Partap. He has been attributed a simple injury on the person of complainant. His culpability is to be determined on appreciation of evidence with the aid of Sections 34 and 149 IPC, so far as the murder of Partap is concerned. Similarly circumstanced co-accused of petitioner, Indro who has been attributed simple injury has been granted the concession of bail. Chances of tampering with the evidence at this stage are remote.

Taking into consideration the period of detention i.e. w.e.f. May 25, 2015 and stage of the trial and no likelihood of tampering of evidence, the petitioner can be granted the concession of bail.

Petition is allowed. Petitioner is ordered to the released on bail on his furnishing bail bonds/ surety bonds to the satisfaction of the trial Court subject to the condition that petitioner will not indulge in any activity of assault or breach of peace during the pendency of the trial. In case of any such eventuality, it will be open to the complainant to seek the cancellation of bail.

September 9, 2016
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.