

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

CRM-M-12652 of 2017(O&M)

Date of decision: 17.8.2017

Lachhman

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Vishal Malik, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J. (Oral)

This petition has been filed for the grant of regular bail to the petitioner – Lachhman, an accused in FIR No.290 dated 1.10.2014, under Sections 302, 323, 506 and 34 IPC registered at Police Station Rai, District Sonapat.

Briefly stated, the facts of the case as per prosecution version are that FIR in question was recorded on the basis of statement of complainant Bharat son of late Tek Chand, aged about 35 years, a labourer/agriculturist by avocation wherein he stated that they have got land adjoining *abadi* of village Tanda and adjacent to that land, there are residential houses of Lachhman and Roshan sons of Fakir Chand, Caste Odd Rajput; that there had been an altercation between them on two occasions earlier, the reason for that is a dispute regarding passage; that

on 1.10.2014 at about 6:00 to 6:30 a.m. when Tek Chand had gone out to answer the call of nature, he was caught hold by Lachhman, Roshan sons of Fakir Chand, Om Parkash and Vinod sons of Lachhman, Gian Chand son of Kishan Chand, Vijay son of Roshan, Om Parkash son of Vasudev and Banti wife of Lachhman; that they were armed with *gandasa*, *ballam*, *lathi* and *dandas*; that the assailants attacked Tek Chand. According to the complainant, he along with son of his uncle namely Om Parkash and Gian Chand also reached there and tried to tackle the situation, however, the assailants started beating them; that Vinod son of Lachhman, who was holding a *ballam* blow on the left side of chest of Tek Chand with a result he fell down on the ground; that Lachhman gave a *gandasa* blow on the legs of his cousin Om Parkash, Roshan son of Fakir Chand gave a blow with *ballam* on the back of complainant, Banti wife of Lachhman bit the complainant on his legs whereas Gian Chand gave a blow with a brick on the face of complainant, Om Parkash son of Vasudev gave a *danda* blow to Om Parkash cousin of complainant. Then they fell down and raised alarm. Thereafter, the assailants ran away from the spot along with their respective weapons. Tek Chand was shifted to Government Hospital, Sonapat from where keeping in view the serious condition, he was referred to PGI, Rohtak, however, on the way he succumbed to the injuries. After registration of the FIR, the case was inquired into, the challan was prepared and presented in the Court.

Learned counsel for the petitioner has contended that Banti wife of Lachhman, Om Parkash son of Vasudev, Gian Chand, Vijay son of Roshan, Om Parkash son of Lachhman were found innocent during the

investigation whereas other three were facing trial.

Learned counsel for the petitioner has argued that though in the FIR, it has been alleged that Lachhman had given a *gandasa* blow on the legs of Om Parkash, a cousin brother of complainant but then said Om Parkash was not medico legally examined and further when statement of said Om Parkash was recorded in the Court as PW7, he did not attribute any injury to the petitioner. These facts are conceded by learned State counsel. It is stated that the petitioner is in custody for the last 2 years and 10 months. The trial is still going on and some time is likely to be taken for its conclusion.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Under the circumstances, I find it proper and appropriate if concession of regular bail is granted to the petitioner.

Accordingly, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Sonapat, subject to the following conditions:

- (i) He shall appear in the Court on each and every date of hearing.
- (ii) He shall not give any threat or intimidation to the prosecution witnesses.
- (iii) He shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and

condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

This petition stands allowed accordingly.

17.8.2017
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No