

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

Date of Decision: 07.03.2017

1. CRM-M No.2583 of 2017

SandeepPetitioner

Versus

State of Haryana ... Respondent

2. CRM-M No.2949 of 2017

SatbirPetitioner

Versus

State of Haryana ... Respondent

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Bijender Dhankar, Advocate
for the petitioner.

Mr. Pradeep Prakash Chahar, DAG, Haryana.

Mr. Ashit Malik, Advocate
for the complainant.

RAJ MOHAN SINGH, J.

[1]. Vide this common order CRM-M No.2583 of 2017 titled as Sandeep Vs. State of Haryana and CRM-M No.2949 of 2017 titled as Satbir Vs. State of Haryana are being decided.

[2]. Petitioners in both the aforesaid cases have prayed for grant of regular bail in case bearing FIR No.209 dated 10.06.2015 registered under Sections 147, 148, 302, 323, 427, 506 IPC (initially the FIR was registered under Sections 147, 148, 323, 506, 427 IPC and offences under Sections 302, 325

IPC were added later on), at Police Station Murthal, District Sonapat.

[3]. Prosecution story started with the statement of complainant Ramesh son of Ram Kishan to the effect that the complainant had two sons namely Nitin and Nitesh. Elder son Nitin was married to Anita daughter of Satbir in village Pipli Khera. Son of the complainant and daughter-in-law were not pulling up the matrimonial life smoothly and in this regard people from village Pipli Khera had come with panchayat in the past. On 10.06.2015, complainant, Indu son of Chander Bhan, Bimla wife of Indu, Urmila wife of Suresh, Geeta wife of the complainant and 2/3 other persons of the village formed a panchayat and they along with the daughter-in-law reached in front of the house of father-in-law of his son namely Satbir at about 11.00 AM. Balwan was the driver of the vehicle. Anita daughter-in-law of the complainant raised a *lalkara* in loud voice that these people have come today, teach them a lesson. On this, Satbir, Sandeep @ Kala, wife of Satbir and 2/3 other persons came out of the house duly armed with lathis and jellies and made the complainant party to alight from the vehicle and started beating them. They caused injuries to all of the persons who had come with the complainant. On raising alarm, some persons came from the village and got them released. The

accused party fled away from there giving threats of killing. They also damaged the window panes and glasses of the vehicle with lathis. In the quarrel, money and other items of the complainant party had fallen there. The persons from the village put them in the vehicle and shifted them in the hospital for treatment.

[4]. The FIR was got registered initially under Sections 147, 148, 323, 506 and 427 IPC. Thereafter, Sandeep @ Kala and Parveen @ Hazari were arrested on 11.06.2015 and were admitted to bail by Chief Judicial Magistrate, Sonapat on 12.06.2015. Bimla died on 15.06.2015 and thereafter, offence under Section 302 IPC was added. During investigation, offence under Section 325 IPC was also added. Statement of Bimla was recorded on 10.06.2015 itself in the hospital where she stated that marriage of her brother-in-law (Nitin) son of Ramesh (complainant) was solemnized with Anita daughter of Satibir. Marriage went in rough weather. Once or twice panchayat were convened. From the last few days, Anita was threatening to commit suicide and also threatened to implicate the complainant party in some false case. She had stopped taking food on which the family took decision to go to village Pipli Khera by taking a panchayat in order to make Anita and her family members understand. On 10.06.2015, Bimla, her sister-in-law, Urmila, her husband Indu and brother-in-law Ramesh went to the village of

Anita in a vehicle which was being driven by Balwan. Virender @ Pappu, Bijender @ Binder and Sume son of Om Parkash also went along with them. Anita also accompanied them. When they reached village Pipli Khera, Anita made a *lalkara* that they be taught a lesson on which Satbir, Sandeep @ Kala son of Satbir, nephew Parveen @ Hazari, Dayawati wife of Satbir and 1/2 other persons came with lathis and dandas and immediately on arriving, they made the complainant party to alight from the vehicle and started beating them. Sandeep @ Kala and Parveen @ Hazari caused injuries on the chest and legs of Bimla with dandas. Anita and her mother hit Geeta and many injuries were given to the other persons present in the panchayat. On raising alarm, the complainant party was rescued and thereafter, they were shifted to hospital. Bimla after getting the aforesaid statement recorded on 10.06.2015 died on 15.06.2015.

[5]. Bare perusal of the FIR would show that general allegations were made that all the accused persons inflicted injuries to all of the persons from the complainant side. In the statement of Bimla, she had attributed injuries to petitioners Sandeep @ Kala and Parveen @ Hazari on her chest and legs with dandas. Roles of Sandeep @ Kala and Parveen @ Hazaari were equally placed. Initially, the FIR was registered without the

offences under Sections 302, 325 IPC. Both Sandeep @ Kala and Parveen @ Hazari were granted bail by the Court of Chief Judicial Magistrate on 12.06.2015. Thereafter, offences under Sections 302 and 325 IPC were added after the death of Bimla on 15.06.2015. Complainant Ramesh has already been examined on 16.05.2016, Indu son of Chander Bhan was examined and cross examined on 12.09.2016. Regular bail of Satbir was earlier dismissed. Later on, Parveen @ Hazari was granted bail by the Additional Sessions Judge, Sonapat on 22.11.2016. The regular bail of Satbir was declined prior to grant of bail to Parveen @ Hazari by Additional Sessions Judge, Sonapat. The grant of bail to Parveen @ Hazari was not considered to be sufficient ground for granting bail to petitioner Sandeep @ Kala on the ground that Parveen @ Hazari was not named in the FIR.

[6]. Apparently, the statement of Bimla (deceased) was recorded on the date of registration of the FIR on 10.06.2016 itself wherein she had attributed equal role to Sandeep @ Kala and Parveen @ Hazari. With the grant of regular bail to Parveen @ Hazari, petitioner Sandeep @ Kala was entitled to equal treatment on parity.

[7]. In view of aforesaid, I deem it appropriate to consider the role of Sandeep @ Kala at par with Parveen @ Hazari.

Bimla (deceased) in her statement dated 10.06.2015 did not attribute any specific role to Satbir except Sandeep @ Kala and Parveen @ Hazari. In view of aforesaid, even though the prayer for regular bail had earlier been declined in case of Satbir, grant of regular bail to Parveen @ Hazari by Additional Sessions Judge, Sonapat would give subsequent cause of action for Satbir as well to pray for bail on the ground of his lesser participation in the occurrence.

[8]. In view of aforesaid, I deem it appropriate to consider the bail of both the petitioners. Petitioners are ordered to be enlarged on regular bail subject to their furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

[9]. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

07.03.2017

prince

(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No