

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

1. **CRM-M-31150-2017**
Pawan Petitioner
Versus
State of Haryana Respondent
2. **CRM-M-31573-2017**
Tara Chand Petitioner
Versus
State of Haryana Respondent
3. **CRM-M-30742-2017**
Balwinder Singh Petitioner
Versus
State of Haryana Respondent

Date of decision : 10.10.2017

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

Present : Mr. Saurabh Sharma, Advocate
for the petitioner(s) in
CRM-M-31150-2017 and CRM-M-30742-2017.

Mr. Manvender Chauhan, Advocate
for the petitioner in **CRM-M-31573-2017.**

Mr. Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

Vide this order, I shall dispose of two petitions for grant of regular bail i.e. **CRM-M-31150-2017** filed by petitioner Pawan and **CRM-M-31573-2017** filed by petitioner Tara Chand and another petition for pre arrest bail i.e. **CRM-M-30742-2017** filed by petitioner Balwinder Singh, all of them being accused in FIR No.374 dated 20.04.2017 for offences under Sections 148, 149, 307, 427, 506 IPC and Section 25 of the Arms Act registered with Police Station Thanesar, District Kurukshetra.

In nutshell, the facts of the case are that complainant Om Parkash son of Rameshwar Dutt, resident of Darra Khera had reported the matter to police of Police Station Thanesar that on 20.4.2017 at about 5:30 p.m., Sukhbir along with Ram Kumar, Sanjeev, Chirag, father of Chirag, Kulwant, Deepu (Body builder), Sahil Khan, Jalandhar, Balwan and Sarpanch of village Sandir and 70-80 persons while armed with deadly weapons like *lathis*, *dandas* and swords tried to take possession of vacant *shamlat* land from him and in the process, gun shots were fired. However, when they offered resistance by throwing brickbats, the assailants ran away. On the basis of said statement, formal FIR was registered.

Accused Pawan Kumar was arrested in this case on 30.4.2017 as per jail custody certificate. He had moved an application for grant of regular bail but the same was declined by learned Additional Sessions Judge, Kurukshetra vide order dated 4.8.2017 observing that vehicle belonging to petitioner i.e. Indica car was recovered from the place of occurrence.

Petitioner – Tara Chand was arrested in this case. He had also

moved an application for grant of regular bail, which was declined by learned Additional Sessions Judge, Kurukshetra vide order dated 28.7.2017.

Petitioner Balwinder Singh had filed a petition for pre-arrest bail in which interim bail was granted to him and he is said to have joined the investigation.

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

Several of the co-accused of the petitioners have been granted regular/pre-arrest bail. Cases of Pawan and Tara Chand petitioners are almost on the similar footings with the other accused, who have already been granted regular bail. They are not named in the FIR. It is a case of no injury. Therefore, it would be proper and appropriate, if they are granted the benefit of regular bail. Accordingly, **CRM-M-31150-2017 filed by petitioner Pawan and CRM-M-31573-2017 filed by petitioner Tara Chand are accepted.** Petitioners Pawan and Tara Chand be admitted to bail on their furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court / CJM / Duty Magistrate, Kurukshetra subject to the following conditions:

- (i) They shall appear in the Court on each and every date of hearing.
- (ii) They shall not give any threat or intimidation to the prosecution witnesses.
- (iii) They 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 petitioners do not abscond and interfere in the trial.

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

As regards CRM-M-30742-2017 filed by petitioner Balwinder Singh for pre-arrest bail is concerned, the same deserves to be dismissed for the reason that a country-made pistol had been produced by him before the Investigating Officer, which is said to have been used in the incident. Nine empty shells are said to have been recovered from the spot. The custodial interrogation of petitioner Balwinder Singh is necessary to find out as to from where he had purchased that country-made pistol as well as cartridge and further regarding details of the incident. Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Therefore, **CRM-M-30742-2017 stands dismissed.**

10.10.2017
Brij

(H.S. MADAAN)
JUDGE

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**