

209

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

CRM-M No.16344 of 2018
Date of Decision: 30.04.2018

Dheer Singh @ Dheeru

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Robin Singh Hooda, Advocate
for the petitioner.

Mr. M.D. Sharma, A.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

1. Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.183 dated 08.03.2017, registered under Sections 148, 149, 323, 307, 302, 216 IPC at Police Station Jhajjar, District Jhajjar.

2. Petitioner claimed himself to be 62 years of age. The occurrence took place in two parts. First occurrence took place on 02.03.2017 when the complainant and Himanshu got scared and went to their house and narrated the story to their parents. Their parents assured them that they will convene a Panchayat. On 07.03.2017, the complainant party was thinking to convene some Panchayat over the aforesaid issue when this occurrence

took place wherein allegation against the petitioner is of giving lalkara along with others namely Virpal, Chanderpal, Subhash, Sudesh and Dhulari. As per allegations, Nikesh gave axe blow on the head of Rakesh. Rajni wife of Sombir gave stick blow on the wound of Rakesh which was caused by the axe blow. Monu gave axe blow on the head of Rakesh. Akshay gave jalli blow on the back of Rakesh. Kapil gave a blow with farsi on the abdomen of Rakesh. Vishnu gave iron pipe blow on the hands of Rakesh. Thereafter, Vikash inflicted jalli blow on the head of the complainant. Arvind gave stick blow on the shoulder of the complainant. Ombir gave blows to Narinder @ Bobby and Raj Kumar gave blows to Himanshu. *Prima-facie*, it can be noticed that the petitioner except giving lalkara has not been attributed any overt act in terms of giving injuries to Rakesh, complainant Narinder and Himanshu. Some overt act has been attributed to the son of the petitioner. Petitioner is an old man.

3. Learned State counsel on instructions from ASI Navdeep submits that challan has already been presented. Out of total prosecution witnesses, none has been examined so far. 22.05.2018 is the next date fixed before the trial Court for prosecution evidence and some of the witnesses would be examined on the said date.

4. Petitioner is in judicial custody since 13.07.2017.

5. At this stage, taking into consideration the alleged role played by the petitioner, it would be debatable as to his ultimate complicity in the occurrence and keeping in view the age and antecedent behaviour of the petitioner in the present case, I deem it appropriate to enlarge the petitioner on regular bail.

6. In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

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

30.04.2018
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No