

205.

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

CRM-M-26805-2018

Date of decision:03.07.2018

ROHTASH

... Petitioner

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. R.N. Lohan, Advocate,
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

HARI PAL VERMA, J.

Petitioner-Rohtash has filed the present petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.60 dated 03.03.2017 under Sections 147/149/302/307/506 IPC, registered at Police Station Sadar Jind, during the pendency of trial.

On the statement of complainant-Neelam, aforesaid FIR was registered. As per the FIR, her father Satyanarayan had taken ½ acre (killa) of land from Phool Singh son of Preet Singh, caste Bairagi, resident of Brah Kala, on contract. This land was adjacent to the land of Ram Niwas son of Ranjit, Caste Saini, resident of same village. About 15-20 days before the occurrence, when petitioner along with his brothers Mukesh and Rajesh sons of Ram Niwas were bringing sugarcane/fodder in their tractor, a tyre of their tractor crossed over the complainant's wheat crop. After the occurrence, father of the complainant visited the house of petitioner to complain about

complainant's father that today only one tyre of their tractor had crossed through their fields, but in future, both tyres will cross through the middle of the wheat crop. On hearing this, father of the complainant came back to his house, after which a panchayat was convened to settle the dispute regarding passage. However, no decision could be arrived at in the panchayat. Thereafter, petitioner reported the matter to the police against the complainant's father, but the same was resolved as the complainant side stated that they have made their separate passage by the side of the drain. On 03.03.2017 at about 10 AM, when the complainant and her mother were returning home after finishing their work in the fields through the path by the side of the drain, the petitioner along with his mother, wife, brothers along with their wives came there on a tractor and raised *lalkara* and asked the complainant that why have you come on our path. After this, the accused drove the tractor directly towards the complainant and chased her. Out of fear, the complainant started running and hid herself behind a tree. On seeing the complainant in danger, her mother-Shanti Devi rushed to her rescue, but got entangled in the cultivator attached on the backside of the tractor and was dragged around for half an acre in the field. Thereafter the accused ran over the tractor on Shanti Devi twice/thrice by going forwards and backwards. The sister-in-law of the complainant Mamta also ran towards the tractor to save Shanti Devi, but was chased away by the petitioner on his tractor. The petitioner while trying to run over the complainant party was shouting that he will go to jail but he will not leave anyone of the complainant's side alive.

Learned counsel for the petitioner has argued that the

as alleged in the FIR. The FIR has been registered after due deliberation and thoughts. As per the contents of the FIR, the deceased was entangled on the cultivator fitted behind the tractor and was never run over by the tractor. At the most, it could be a case of accident and may be punishable under Section 304-A IPC. Only complainant and the alleged eye witnesses have been examined and only the official witnesses are yet to be examined. In this manner, trial in the case will take a long time.

I have heard learned counsel for the parties.

As per the postmortem report of deceased-Shanti Devi, the doctor has opined that the cause of death in this case was shock and hemorrhage due to injuries to the vital organs as described in the postmortem report. The injuries were antemortem in nature and sufficient to cause death in natural course of life. The PMR suggests that there were as many as six injuries on the person of deceased, which are as under:-

- “1. multiple abraded bruises on chest and abdomen
2. multiple bruises on right arm and hand
3. multiple abraded bruises on right thigh and leg
4. multiple abraded bruises on left thigh
5. bruise of size 4.5x3 cm on right cheek
6. multiple bruises on right side neck and right shoulder.”

The plea of the counsel for the petitioner that Shanti Devi died because she was entangled in the cultivator fitted on the back of the tractor is of no relevance when there are specific allegations by the complainant, who happens to be an eyewitness, that the petitioner ran over the tractor twice/thrice forward and backward on her mother. Thus allegations are serious.

In view of above, this Court does not find any reason to admit the petition on regular bail at this stage. Accordingly, present petition is dismissed.

(HARI PAL VERMA)
JUDGE

03.07.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No