

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

**CRM-M No.29083 of 2018
Decided on: 21.09.2018**

Krishan

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

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

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Ashish Pannu, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.0132 dated 09.07.2017, for offence punishable under Sections 147, 148, 302, 307, 323, 341, 506, 212 of the Indian Penal Code (in short 'IPC') and 25 of the Arms Act, registered at Police Station Bawani Khera, District Bhiwani.

As per the allegations in the FIR, on 08.07.2017 at about 04:00 pm, the complainant – Vikas son of Baljeet Singh along with others had gone to his fields, after boarding in 02 tractors from their home. Their fields are situated on the western side of the village and

after doing the agricultural work, when they were going back to their home on their tractors (the front tractor was driven by his father namely Baljeet Singh and the rear tractor was driven by his uncle Balraj) and reached in front of the house of co-accused Jagmat, the accused persons named in the FIR including the petitioner, who were hiding, in conspiracy with each other, came out in front of the tractor of his father and surrounded them. The accused persons were armed with *pharsas*, *jaillies* and *gandasies* whereas accused namely Anand @ Babloo, Jagmat and Ajit @ Balia, were armed with pistols. They fired shots on the father of the complainant namely Baljeet and in order to save his life, he left the tractor and tried to run away. On this, the accused gave a *lalkara* and Anand @ Babloo fired a shot on his father, who fell down and then, Anand @ Babloo gave a *pharsa* blow to his father and Jagmat and Ajit @ Balia along with other accused persons (including the petitioner) gave many blows with *jaillies* and *pharsa* and when the complainant and others de-board from their tractors and tried to save Baljeet Singh, the accused persons ran towards them and when the complainant along with Balraj and others returned back, they were attacked with stones by the accused persons. All the accused persons have further caused injuries to Sube Singh, Mala Ram, Bhale Ram, Hukma and Mahender Singh, who could not ran away from the place of occurrence, due to their old age. When they raised a noise, Anand @ Babloo, Jagmat and Ajit @ Balia, fired towards the complainant party and threatened that they will be killed. It is further stated in the FIR that the motive behind the occurrence is that Sudesh wife of Anand @ Babloo was elected as *Sarpanch* in the year 2016 and the uncle of the

complainant namely Ram Kumar, had made a complaint that she contested the election on the basis of forged certificates and on that account, said Sudesh, *Sarpanch* and her husband Anand @ Babloo were arrested in an FIR and even, they on an earlier occasion, caused injuries to his uncle Ram Kumar to put pressure for withdrawal of the complaint. Thereafter, the injured persons were shifted to Government Hospital, Bhiwani and father of the complainant, Baljeet expired and later on, even Bhale Ram, expired after some days.

Counsel for the petitioner has argued that there were 16 persons from the side of the complainant, who were coming on 02 tractors out of whom, 08 persons have received injuries. It is further submitted that though, the accused persons have also received injuries, however, no MLR from their side was conducted. It is also submitted that on the day, when the occurrence had taken place, it was not the harvesting or ploughing season and, therefore, there was no occasion for the complainant to go to their fields with trolley/cultivators and the incident has taken place in front of the house of co-accused – Jagmat Singh and, therefore, the complainant party was the aggressor party. It is further submitted that out of 21 accused persons, 16 have been arrested and 02 accused persons, against whom the allegations pertain to Section 212 IPC, were released on bail.

Counsel for the petitioner has further submitted that the petitioner – Krishan is not attributed any specific role in the FIR and he is not shown to be carrying any weapon and there is no allegation that he has caused injury to any of the deceased or the injured persons. It is also submitted that the petitioner is in custody since 28.11.2017 and the

prosecution evidence is yet to start and conclusion of the trial will take some time.

In reply, counsel for the State, on instructions from ASI Ramesh Kumar, assisted by counsel for the complainant has, however, opposed the prayer for bail on the ground that 05 accused persons are yet to be arrested and, in fact, out of 54 persons, 24 were found innocent by the police.

Counsel for the State has further argued that as per the post-mortem report of Baljeet Singh, he received 11 injuries whereas Bhale Ram, as per the post-mortem report, sustained 30 injuries, which demonstrates that the accused persons gave merciless beatings to the victims with an intention to kill them.

Counsel for the complainant has also submitted that the statement of the complainant is yet to be recorded and the accused persons are further extending threat to his life and liberty on account of which, the complainant – Vikas has got, FIR No.193 dated 21.07.2018 under Sections 323, 34, 341 and 506 IPC, registered against the accused persons. It is also argued that in case, the petitioner is released on bail, he along with other accused persons (who are not arrested so far) will misuse the concession of the same.

After hearing counsel for the parties, I find no ground to grant regular bail to the petitioner.

The allegations in the FIR regarding murder of 02 persons namely Baljeet Singh and Bhale Ram, by causing multiple injuries to them itself show the gravity of offence. Moreover, the accused persons while in judicial custody are even extending threats to the complainant

on account of which, another FIR has been registered against 03 persons. Therefore, no ground for grant of regular bail to the petitioner, at this stage, is made out.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

21.09.2018

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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No