

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-36706-2018

Date of Decision:30.08.2018

Rinku @ Palvinder

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Amit Choudhary, Advocate,
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.398 dated 12.11.2017 under Sections 147, 148, 323, 341, 506 IPC (the offence punishable under Sections 325, 307, 302 IPC were added later on), registered at Police Station Bhuna, District Fatehabad.

The aforesaid FIR was registered at the behest of Ajit Singh, brother of deceased-Mulakh Raj. On 10.11.2017 when Mulakh Raj was coming from the fields on his tractor and was entering his house, suddenly the neighbour of the complainant on the pretext of some plot dispute between Naresh and Dinesh entered his house. Dinesh was carrying a gandas, whereas Naresh was carrying a gandas. Dinesh and Naresh are real brothers. Similarly, Wazir Singh son of Bhale Ram was carrying a

Farsi and Rinku @ Palvinder son of Wazir Singh(petitioner herein) was

carrying a gandas and Bittu son of Satish was carrying a gandas. Likewise, Manjit son of Raj Kumar was carrying a rod, whereas Sajjan wife of Wazir Singh was carrying a danda and Sushila wife of Virender was having a danda and Kamlesh wife of Jagat Singh was carrying an iron pipe, whereas Sushila wife of Satish was carrying a danda. Mukesh daughter of Jagat Singh was carrying an iron pipe, attacked Mulakh Raj and started hitting the complainant. The complainant, his brother Mahender Singh and Babita wife of Ajit Singh tried to rescue him. In this process, complainant, Mahender Singh and Babita also received injuries. However, after hearing the noise, persons from the locality reached there. The accused ran away from the spot.

Learned counsel for the petitioner has argued that the petitioner has not been attributed any injury on the person of deceased Mulakh Raj. The only allegation against him is that he has caused injury to the eye witness Mahender Singh . Even that injury is simple in nature. Petitioner is in custody since 26.11.2017 and no prosecution witness has been examined so far.

On the other hand, learned State Counsel on instructions from HC Krishan Kumar has argued that no doubt there is no specific injury attributed to the petitioner, which has resulted into the death of Mulakh Raj, but nevertheless, the petitioner along with other co-accused was present at the scene of occurrence and he has given injury to eye-witness Mahender Singh. The case is now fixed for prosecution evidence on 17.09.2018 before the trial court.

I have heard learned counsel for the parties.

Initially, the case was registered under Sections 147, 148, 323,

341, 506 IPC and thereafter, Sections 325, 307, 302 IPC were added. In this manner, apart from the fact that the culpability of the petitioner is required to be established during trial, there is no specific injury attributed to him, which may have resulted into the death of Mulakh Raj. Moreover, petitioner is in custody since 26.11.2017 and no prosecution witness has been examined so far. In this manner, trial in the case will take sufficient long time, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case.

August 30, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No