

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

222

CRM-M-38727-2018 (O&M)

Date of Decision: 12.09.2018

HAMID

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MR. JUSTICE SUDHIR MITTAL.

Present:- Mr. N.S. Shekhawat, Advocate,
for the petitioner.
Mr. D.R. Singla, AAG, Haryana.

SUDHIR MITTAL, J. (Oral)

1 Petitioner seeks regular bail in case FIR no.236 dated 17.04.2013, registered at Police Station Nuh, District Mewat, under Sections 302, 506, 148, 149, 120-B of IPC.

2. As per the allegations in the FIR, some fourteen persons attacked the deceased person, namely, Ramjan son of Jahid, with lathis and iron rod and killed him. Six other persons were responsible for sending the said persons and thus, FIR were registered against twenty persons.

3. Learned counsel for the petitioner submits that in fact it was a case of accident, the petitioner along with his wife and nephew were going on a tractor and an accident took place between his tractor as well as tractor being driven by deceased-Ramjan. As a result of this accident, Ramjan died and the wife of the petitioner and his nephew suffered injuries. The Police challaned only three persons including the petitioner. Out of the two other persons challaned, one was a juvenile. Both those persons were tried by different Courts and were acquitted. It has been found that in fact it was a case of an accident and that the story of the complainant is false. The petitioner

could not be tried along with co-accused as he was declared a proclaimed offender and was arrested on 20.05.2018. The prosecution case has been proven to be false and the petitioner is also likely to be acquitted. He has been in custody for four months and thus, he should be released on regular bail.

4. Learned State counsel opposes the prayer for regular bail on the ground that the petitioner absconded from the law without any valid reasons and thus, he has disentitled himself to the discretionary relief of bail.

5. It has been established on record that the seventeen persons out of the twenty named in the FIR, were declared innocent by the police. Only three persons were tried. The petitioner was declared as proclaimed offender and the other two have been acquitted.

6. With the assistance of the learned counsel for the petitioner, I have gone through the judgments of acquittal which are Annexures P6 and P7 on record. The findings are that deceased-Ramjan died because he was run over by a tractor and that the death was accidental in nature. The case of assault has not been held to be proved on the basis of the evidence on record. The petitioner has been in custody for the past four months. Thus, I deem it appropriate to release the petitioner on regular bail.

7. Accordingly, petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

(SUDHIR MITTAL)
JUDGE

September 12, 2018
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>