

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53629-2018 (O&M)

Date of Decision:- 11.12.2018

Basant and others

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Pardeep Goyal, Advocate, for the petitioners.

Mr. Arjun Singh Yadav, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

The petitioners seek grant of regular bail in case registered vide FIR No.138 dated 04.06.2018, under Sections 147, 149, 323, 506 of Indian Penal Code, 1860 (Section 302 IPC added later on) registered at Police Station Chhainsa, District Faridabad.

The FIR was lodged at the instance of Naresh wherein it has been alleged that on 03.06.2018 an altercation had taken place between the ladies of their family and ladies of Bhola Ram's family pertaining to an issue of cleanliness of drainage. It is alleged that on 04.06.2018 when he along with his wife Geeta was coming from Rajupur Khadar to Mohna and when they reached near the market of village Mohna, then Basant son of Bhole

Ram met him and gave 3/4 fist blows and slaps to him and upon which his wife ran towards the house and he also went to his house. It is alleged that Basant, Harikishan, Roop, Lala, Hassan, Desha, Bholeram, Jeetu, Kala, Neera, Harwati, Omwati, Parbha in connivance with each other came there armed with sticks and brickbats. Jeetu and Hassan gave stick blows to his father Kallu on his head and when the complainant, his son and his wife and his brother's wife came out of the house to rescue him, the aforesaid accused pelted brickbats upon all the said persons and also gave beatings with sticks. It is the case of the prosecution that Kallu succumbed to his injuries while other sustained injuries.

Learned counsel for the petitioners submits that a false case has been registered against the petitioners and in fact during the course of trial all the eye-witnesses including the complainant-Naresh (PW-4) have resiled which clearly shows that a concocted and false case had been registered against the petitioners.

On the other hand, learned State counsel while opposing the application has submitted that the petitioners have been able to win over the witnesses and that a perusal of FIR and other evidence clearly shows that it was the petitioners who had murdered Kallu.

Having considered rival contentions addressed before this court and bearing in mind that the petitioners have been behind bars since last 6 months and material witnesses including the complainant have resiled and that the conclusion of trial, in its normal course, is likely to take some time, in my opinion, no fruitful purpose would be served by further detaining the petitioners behind bars. Accordingly, petitioners-Basant, Hassan @ Rattan Singh, Hari Kishan, Jitender @ Jeetu and Roop @ Roop Chand are ordered

to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate, concerned.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

This petition stands accepted accordingly.

December 11, 2018
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No