

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

**CRM-M-10121-2019
Date of decision: 08.03.2019**

Shri Krishan @ Murari

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 210 dated 17.08.2018, registered under Sections 148, 149, 302, 323, 341, 506, 325 and 120-B of the IPC and Section 25 of the Arms Act, 1959 at Police Station Barauda, District Sonapat.

Learned counsel for the petitioner submits that as per the allegations in the FIR, got registered by Randhir son of Parit Singh, it is stated that he is an agriculturist by profession and 20 days before the day of incident, he had altercation in the field with co-accused Pawan s/o Devi, Jagdish s/o Fateh Singh and Kuldeep s/o Chand Rup, residents of village Butana, who were sharing the common water of the canal and at that time, Sunil s/o Pala Ram had threatened his son Mohit to teach him a lesson. It is further stated in the FIR that on account of said grudge, when the complainant along with his sons, namely Joginder, Mohit and Rohit, were returning from his fields on 16.08.2018 at about 08.30 PM, in front of ITI

Gate, aforesaid Pawan along with Jagdish, Kuldeep, Pale, Jai Narain, Parveen, Ranjit, Sandeep, Ravinder and petitioner, who is stated to be brother-in-law (*Saala*) of co-accused Jai Narain, came there and they were armed with Gandas, Lathi, axe etc. after hatching a conspiracy. Thereafter, Pale Ram raised a *lalkara* for teaching a lesson to the complainant and his sons for taking extra share in the water. Upon which, Pawan fired 3/4 shots at Joginder from the pistol which he was carrying and Jai Narain gave a *gandasi* blow to Joginder and Pale Ram gave a *bita* blow to him. When the others tried to rescue Joginder, Parveen gave a *gandasi* blow on complainant's head and Naveen gave an axe blow to the waist of the complainant. Thereafter, Jagdish gave a *lathi* blow on the left hand of complainant and other co-accused also caused injuries to Mohit and Rohit.

Learned counsel for the petitioner submits that except naming the petitioner in the FIR, no specific role is attributed that he has caused any injury to the deceased or any other injured victims.

It is further submitted that the petitioner is a resident of a different village and he is the brother-in-law of one of the co-accused, namely Jai Narain and only allegation against the petitioner is of conspiracy.

On a query, learned State counsel, on instructions from ASI Satish Kumar, submits that in the statement of prosecution witnesses, recorded 161 Cr.P.C., it has not come on record that the petitioner has caused any injury to the deceased or any of the injured victims. He further submits that challan stands presented and charges have been framed.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the parties, the instant

petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

08.03.2019
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>