

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

CRM-M-19080 of 2019
Date of Decision: 14.05.2019

Ramesh and another

....Petitioners

Versus

State of Haryana

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. J.S. Bedi, Sr. Advocate with
Mr. Sunil Sihag, Advocaes
for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

MAHABIR SINGH SINDHU, J.(Oral)

Present petition has been filed under Section 439 Cr.P.C. seeking bail pending trial in FIR No. 418 dated 28.06.2018, under Sections 148, 149, 323, 325, 324, 427, 452, 307 and 506 of the Indian Penal Code, registered at Police Station Gharaunda, District Karnal.

Mr. G.S. Sandhu, Advocate appears and filed his vakalatnama on behalf of the complainant. The same is taken on record.

Learned Senior counsel for the petitioner wishes to withdraw the present petition qua petitioner No. 1 at this stage.

Dismissed as withdrawn, as prayed for.

Brief facts of the case are that on 26.06.2018, a *rukka* (intimation) was received in the Police Station regarding the admission of injured Sultan Singh son of Naseeb, resident of village Jamalpur, who had sustained injuries in an altercation which took place in village Jamalpur. On receiving the said *rukka*, the

Investigating Officer of the case reached at Virk Hospital, Karnal and sought the opinion of the concerned doctor regarding the fitness of the injured Sultan Singh. Upon which, the doctor declared the patient unfit to make the statement. On 27.06.2018, the Investigating Officer again visited Dr. Virk Hospital, Karnal, but again the injured was declared unfit to make statement. Thereafter, the Investigating Officer received a telephonic information that Jitender and Bhim Singh resident of village Jamalpur had also sustained injuries in the same occurrence and were admitted in Kalpana Chawla Government Medical College, Karnal. On which, the Investigating Officer reached there and after seeking the opinion of the concerned doctor regarding the fitness of the injured Bhim Singh and Jitender, he recorded the statement of complainant injured Jitender son of Bhim Singh to the effect that on 26.06.2018, Ajit son of his uncle was constructing a wall after demolishing the old one. Then Vikash son of Shyam Singh, Balinder Son of Nathu Ram, Anil son of Satpal came there and started abusing to the complainant party. Ajit Singh stopped raising construction of the wall and thereafter, at about 03:15 pm on the same day, about 15 to 20 persons, who were having in their hands lathis, dandas, swords, gandasis came on the spot and started demolishing the said wall. When complainant tried to prevent these persons from demolishing the wall, then all of them started inflicting injuries to him with their respective weapons. In order to save his life, the complainant rushed towards his *baithak* (sitting room) and then all the accused persons namely Anil and Sunil both sons of Satpal, Ramesh

son of Geje Singh, Balwinder son of Nathu Ram etc. also came there and inflicted injuries to the complainant with their respective weapons. Thereafter, his uncle Sultan Singh and his father Bhim Singh came there and all of the above persons caused injuries to them also with their respective weapons.

Learned Senior counsel for the petitioner contends that petitioner No.2 is in custody since 24.07.2018. Further contends that report under Section 173 Cr.P.C. has been submitted on 17.10.2018 before the Court of competent jurisdiction and charges have already been framed on 05.02.2019. Also contends that there are total 20 prosecution witnesses but, none has been examined till date. Further contends that Devender @ Sonu has already been granted the concession of regular bail by this Court on 30.04.2019.

On instructions from SI Krishan Kumar, learned State counsel has acknowledged the above factual position.

Heard learned counsel for the parties and perused the paper book.

In response to a pointed query, learned State counsel is not able to dispute that allegations against petitioner No.2 are similar of co-accused-Devender @ Sonu, who has already been granted the concession of bail by this Court on 30.04.2019.

Still further, the report under Section 173 Cr.P.C. has already been submitted on 17.10.2018 before the Court of competent jurisdiction and after framing of charges on 05.02.2019, the case is pending for 26.05.2019, thus the trial is likely to take a long time to

be concluded, as such no useful purpose would be served by keeping the petitioner behind the bars any more.

Therefore, in view of the abovesaid circumstances, without expressing any opinion on the merits of the case, this petition is accepted. Petitioner No.2-Phool Singh be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

However, it is made clear that the disposal of the present petition may not be construed as an expression of opinion on the merit of the case pending before learned trial Court.

[MAHABIR SINGH SINDHU]
JUDGE

May 14, 2019
rashmi

Whether speaking/reasoned	yes
Whether reportable?	yes