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

**CRM-M No. 44649 of 2018
Date of Decision:.30.04.2019**

Devender @ Sonu ..... Petitioner

Versus

State of Haryana and another ..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. J.S.Bedi, Sr. Advocate
with Mr. Parveen Chauhan, Advocate for the petitioner.

Mr. Yashwider Singh, DAG, Haryana
for the respondent/State with ASI Bahadur Singh.

Mr. G.S.Sandhu, Advocate for respondent no.2.

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MAHABIR SINGH SINDHU, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short 'Cr.P.C') for grant of bail pending trial to the petitioner in case FIR No. 418 dated 28.06.2018, under Sections 148, 149, 323, 324, 325, 427, 452 and 506 of the Indian Penal Code, 1860 (for short 'IPC') (Section 307 IPC added lateron), registered at Police Station Gharaunda, District Karnal.

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

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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 Kalpna 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 weapon.

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It is contended by learned Counsel for the petitioner that neither he has been named in the FIR; nor any recovery has been effected from him during investigation. Also contends that there is no attribution in the FIR that petitioner has caused any injury to any one including the injured Sultan Singh. Further contends that after six days i.e on 02.07.2018, in the statement under Section 161 Cr.P.C made by Sultan Singh (injured), his name has been cropped up. This is also the contention that after investigation, report under Section 173 Cr.P.C was submitted on 06.10.2018 and after framing of the charges, now the case is fixed for recording of prosecution evidence on 07.05.2019; approximately 20 prosecution witnesses are there and as such the trial will take long time.

The above factual position is duly acknowledged by learned State counsel, on instructions from ASI Bahadur Singh; but opposed the bail primarily on the ground that petitioner has been specifically named by the injured Sultan Singh while recording his statement under Section 161 Cr.P.C, although he candidly admitted that no injury has been attributed to the petitioner.

Learned counsel for the complainant is in agreement with the arguments raised by learned State counsel and has opposed the bail primarily on the ground that main accused namely Balinder is still on run.

Heard both sides and perused the paper book.

Investigation against the petitioner is already completed and even the charges have also been framed by the learned trial Court on 05.02.2019; there are twenty prosecution witnesses and trial will take long time to conclude finally. Petitioner is neither named in the FIR; nor any injury was attributed by the complainant; rather he has been nominated as an accused after one week

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during investigation, but no recovery was effected from him. Concededly, there is no other case pending against the petitioner.

In view of the above factual position, no useful purpose will be served by keeping the petitioner behind the bars, consequently, this Court deems it appropriate to grant the concession of bail pending trial. As a result thereof, this petition is allowed and petitioner - Devender @ Sonu is ordered to be released on bail in this case on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court

The above observations may not be construed as an expression of opinion on merits of case.

30.04.2019 **(MAHABIR SINGH SINDHU)**
mamta **JUDGE**

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