

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

CRM-M No.26788 of 2019 (O&M)

Date of Decision: 09.07.2019

Ravinder @ Sonu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Virender Mandhan, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana for the respondent.

Mr. G.S.Sandhu, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure 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, 307, 506 and 201 of the Indian Penal Code, 1860, registered at Police Station Gharaunda, District Karnal.

Brief facts of the present case are that above FIR was registered on the statement of Jitender son of Bhim Singh to the effect that on 26.06.2018, Ajit son of Bhim Singh was constructing new wall after demolishing the old one, then, Vikas son of Shyam Singh along with Balinder son of Nathu Ram as well as Anil son of Satpal came on the spot and abused Ajit and threatened that they will not allow him to construct the wall. Thereafter, at about 03:15 PM, 15-20 persons, armed with *Sticks*, *Gandasi* and *Talwar*, came on the spot and gave *lalkara* that Ajit be taught a lesson and all started demolishing the wall. When complainant tried to

object the same, then they attacked him and he ran towards his house to escape himself, then, Anil @ Rocky hit him with a *Sword* blow on his right arm and Sunil hit *Stick* on his left arm. Further alleged that Ramesh son of Gaje Singh gave a *Danda* blow on his right shoulder and rest of them gave kicks and fist blows. In the meantime, his uncle-Sultan rushed to the spot to rescue the complainant, then, Balinder hit Sultan on the left side of his head with *Gandasi* and to save himself, Sultan entered in the house of Charan Singh, but Mouny son of Rakesh and Tejpal son of Roshan Lal followed him, whereas Sonu (petitioner) caught hold him from neck and gave beatings and rest of the accused also caused many injuries to his uncle. Thereafter, Jangu son of Prem and Ramphal son of Gaje Singh also caused many injuries to his father Bhim Singh, whereas Kala son of Pradeep and Vikas son of Shyam Singh caused injuries to Nasib Singh son of Kalu Ram. All the injured were admitted in the Government Hospital, Gharaunda for treatment and Sultan was admitted in Government Hospital, Karnal.

Contents that petitioner is in custody since 07.08.2018; charges were framed on 05.02.2019 and out of total 20 prosecution witnesses, none has been examined. Also contends that there is no other criminal case pending against the petitioner and during investigation, nothing incriminating has been recovered from him. Further contends that co-accused, namely, Phool Singh, has already been granted the concession of bail pending trial by this Court in CRM-M-19080-2019, decided on 14.05.2019.

The above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Bahadur Singh, as well as learned

Counsel for the complainant, however, they opposed the present bail application and submitted that complicity of the petitioner is duly established.

Heard both sides and perused the paper-book.

Concededly, petitioner is in custody since 07.08.2018 and out of total 20 prosecution witnesses, none has been examined, thus, trial is likely to take a long time for its conclusion. It is acknowledged by learned State Counsel that there is no other criminal case pending against the petitioner and the co-accused, namely, Phool Singh has also been granted the concession of bail pending trial by this Court. Nothing has been brought to the notice of this Court that petitioner has caused any injury to Sultan which resulted into offence punishable under Section 307, IPC. Thus, further incarceration of the petitioner would not serve any purpose, consequently, this Court is left with no option except to release the petitioner on bail pending trial.

In view of the above, without expressing any opinion on the merits of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

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

July 09, 2019

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>