

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

**CRM-M-49067-2019 (O&M)
Date of decision: 27.11.2019**

Kamal Singh

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sumit Sangwan, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.415 dated 14.10.2018 under Sections 147, 148, 149, 302, 307, 323, 341 IPC (Sections 186, 325, 332, 353 IPC were also added in the challan), registered at Police Station Badhra, District Charkhi Dadri.

Brief facts of the case are that complainant/injured Pardeep got recorded his statement to the police, at PGIMS, Rohtak, alleging therein that on 14.10.2018, at 10.00 a.m. Kamal Singh son of Kanha Ram was ploughing his field adjacent to the village with the help of tractor. Family members and relatives of Kamal Singh were also with him at that time. It is further alleged that at about 11.00 a.m. Kamal Singh after ploughing his fields came out of the field, when some persons in another tractor from the field side, and some other

persons from other side, came there, and they stopped their tractor in front of the tractor of Kamal Singh and surrounded Kamal Singh etc. They attacked Kamal Singh etc. and inflicted injuries to them with their weapons. It is further alleged that on hearing the noise, complainant Pardeep along with Vikas and Sombir also reached at the spot. The attackers included Madan, Kamal Singh, Surender @ Pappu, Raj Singh son of Jag Ram, Ved Parkash @ Bedu, Rakesh son of Surender @ Pappu, Vijay, Rakesh Kalu son of Raj Singh, Amit son of Madan Singh, Sachin son of Kamal Singh, Sombir, Narpender son of Prahlad, Satish, Satbir son of Badri, Sukhvender son of Karan Singh, Sandeep son of Randhir, Amit son of Mahender, Mintu son of Mahender, Surender, Samunder son of Mange Ram and Surender son of Lakhbir. Rajesh gave several axe blows on the head of Vikas. Narpender also gave axe blow on the head of Vikas. Other assailants also inflicted dandas blows on Vikas. Then Sombir with the intention to kill the complainant drove his tractor on him. Other persons also inflicted injuries with dandas and lathis to him. It is also alleged that Kamal Singh in order to save himself fired shots from his licenced pistol 12 bore, which hit Sombir. Thereafter, Manjeet, brother of complainant took the injured/victims to General Hospital, Bhiwani, but on the way Vikas and Sombir succumbed to their injuries. Complainant and Kamal Singh were referred to PGIMS, Rohtak.

Learned counsel for the petitioner submits that as per allegations in the FIR, 22 persons were present at the spot and during investigation, the persons, who caused injuries, were arrested and challan qua them was presented and 14 other persons were found innocent including the petitioner. It is further submitted that now the prosecution has filed an application under Section 319

Cr.P.C., in which all the aforesaid 14 persons have been summoned and the petitioner is ready to surrender before the trial Court and face the trial.

Learned State counsel, on instructions from SI Ram Avtar, has not disputed the factual position that at one point of time, the petitioner was declared innocent.

In view of the above, this petition is disposed of and the petitioner is directed to surrender before the trial Court and he will be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

27.11.2019
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[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No