

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

CRM-M No.282 of 2020 (O&M)

Date of Decision: 15.07.2020

Satyawan @ Lilu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Naveen Siwach, Advocate for the petitioner.

Mr. Pradeep Chahar, DAG, Haryana for the respondent.

Mr. Raman Chawla, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Second petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.150 dated 14.08.2019, under Sections 147, 148, 149, 323, 324, 326 and 506 of the Indian Penal Code, 1860, registered at Police Station Bass, District Hansi (Hisar).

The case of the prosecution is that complainant-Satyawan Singh took the agricultural land on lease for cultivation from one Anil son of Baje Singh. Earlier, one Beda son of Jugti was cultivating the land in question. On 11.08.2019, the owner gave the land to the complainant on lease and delivered its possession, but Beda threatened him for entering the land. On 14.08.2019, complainant along with Yudhvire went to irrigate the land and at 12:30 AM in the midnight, complainant requested the petitioner to release the water for his land, but he refused to do so. When complainant along with Yudhvire were returning, petitioner gave a *lathi* blow to the

complainant from behind. Thereafter, Beda son of Jugti, Binder son of Beda, Sunder son of Beda, Suresh son of Mahabir, Rinku son of Dalbir, Ajmer son of Bhim, Mahabir son of Dariya and two others surrounded him. Beda, Mahabir and Ajmer were armed with axes, whereas remaining accused were armed with *lathis* and *dandas*. All accused inflicted the injuries to the complainant with their respective weapons and on raising the alarm by him, Yudhvair, who was at a distance of about one acre, reached there. Thereafter, accused ran away from the spot after threatening the complainant to shoot him like Satpal.

Contends that petitioner is in custody since 07.09.2019 and after investigation in the matter, challan was presented on 21.11.2019. Also contends that even the charges were framed on 29.11.2019, but till date, out of total 11 prosecution witnesses, none has been examined. Further contends that there is no other criminal case pending against the petitioner.

The above factual position is duly acknowledged by learned State Counsel, on instructions from the police official concerned, as well as learned Counsel for the complainant, but both have opposed the bail application and submitted that *Danda* was recovered from the petitioner during investigation.

Heard learned Counsel for the parties and perused the paper-book.

Concededly, petitioner is in custody since 07.09.2019; charges were framed on 29.11.2019 and out of total 11 prosecution witnesses, none has been examined. Also to be noticed that there is no other

criminal case pending against the petitioner. No doubt, *Danda* was recovered from the petitioner during investigation, but in view of the prevailing circumstances, the trial is likely to take sufficient long time, therefore, his further incarceration would not serve any purpose.

Consequently, 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/Chief Judicial Magistrate/Duty Magistrate concerned.

Petitioner shall fully co-operate with the learned trial Court and shall not unnecessarily delay the proceedings in any manner.

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

It is clarified that in case there is any recurrence on the part of the petitioner, State of Haryana would be at liberty to move an appropriate application for recalling of this order.

July 15, 2020

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**(MAHABIR SINGH SINDHU)
JUDGE**

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