

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-4917-2020 (O&M)

Date of Decision:-7.2.2020

Munshi Singh and another ... Petitioners

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Aditya Sanghi, Advocate for the petitioners.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana,
assisted by SI Ranvir Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners have approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.99 dated 14.5.2018 at Police Station Singh Ateli, District Mahendergarh, Haryana under Sections 302, 323 and 506 read with Section 34 of Indian Penal Code.
2. The FIR was lodged at the instance of Ram Kishan, father of deceased Vinod @ Mintu Ram, wherein it has been alleged that on the day of occurrence his son Vinod @ Mintu Ram was carrying his young son in his arms outside the house as there was power cut in the village. It is alleged that in the meantime, Munshi Singh and his three sons namely Vikram, Tek Chand and Umesh came there while being under influence of liquor and started hurling

abuses and attacked his son with sticks and stones. When the complainant's son Vinod @ Mintu Ram raised alarm, the complainant came out of the house and saw his son lying unconscious, who was taken to hospital where he succumbed to his injuries.

3. The learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and that even the FIR itself would show that the complainant had not witnessed the alleged act of causing of injuries as he had come out of his house only when the deceased Vinod @ Mintu Ram allegedly raised alarm. The learned counsel has further submitted that the medical evidence also does not corroborate the ocular version inasmuch as only one injury is described in the post mortem report, whereas as per the FIR all the four accused have caused several injuries with the help of sticks and stones. The learned counsel has further submitted that the petitioners, in any case, have been behind bars since the last about 1 year and 8 months and as of now a *de novo* trial has started consequent upon two of the accused, who had earlier been kept in coloumn No.2, having been summoned and that after summoning of the said additional accused only two PWs have been examined.
4. Opposing the petition, the learned State counsel has submitted that since the petitioners are specifically named in the FIR, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court.
6. A perusal of post mortem report shows that only one injury was found existing on the head of deceased, which as per the opinion expressed in the post mortem report resulted in death of deceased Vinod @ Mintu Ram.

7. It is not disputed that two of the accused, who had earlier been kept in coloumn No.2, have now been summoned and a *de novo* trial has started.
8. Without commenting anything on merits of the case and while noticing that the petitioners have been behind bars since the last about 1 year and 8 months and the conclusion of trial is likely to take some time as *de novo* trial has started, further detention of the petitioners would not serve any useful purpose.
9. The petition, as such, is accepted and it is ordered that the petitioners be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7.2.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No