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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9700-2020

Date of decision-13.03.2020

Sukhchain @ Sukhi

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Shobit Phutela, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Satpal Nain, Advocate for the complainant.

MANOJ BAJAJ, J.

Petitioner-Sukhchain @ Sukhi has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.318 dated 23.11.2019 registered under Sections 148, 149, 307, 285, 323, 324, 336, 427 and 506 of Indian Penal Code, 1860 and Section 25 of Arms Act, 1959 at Police Station Cheeka, District Kaithal. The petitioner is in custody since his arrest on 01.01.2020.

The present FIR was registered on the statement of Amarjeet Singh, wherein it was stated that complainant and his brothers purchased ten acres agricultural land from Gulab through sale deed executed in favour of their mother Dhano. Gurjant Singh, nephew of Gulab Singh had raised objections regarding some piece of the land in question and in a Panchayat meeting, the dispute was resolved by allocating half share each to both the

parties. On the date of occurrence, when complainant and his servant Seeta Ram went for work in the fields, then Gurjant Singh etc opposed them. Seeta Ram forwarded information to the relatives of the complainant, namely, Pargat Singh, Karnail Singh, Jasbir and Kaka, who came at the spot. Thereafter, Kulwinder Singh and Jassa also came in the fields. At about 11.30 a.m., about 25-30 persons who were armed with gandasi, swords, sticks and kassi etc, approached towards complainant. One of them fired in the air. Upon exhortation given by Gurjant Singh, assailants attacked complainant and others. Gurjant Singh gave gandasi blows on the head and finger of Pargat Singh, Inderjit, Kaka and Labha gave gandasi blow on the head and shoulder of Karnail Singh. Other accused persons also gave lathi blows to Karnail Singh. On these broad allegations, FIR was registered.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR and was indicted on the basis of the statement made by injured Pargat Singh. According to him, the injury inviting the offence punishable under Section 307 IPC was attributed to co-accused- Gurjant Singh. He submits that the investigation of the case is complete and further custody of the petitioner may not be justified, who has been attributed only a simple injury. He prays that the petitioner be released on regular bail.

On the other hand, learned State counsel assisted by SI Jai Narayan and counsel appearing on behalf of the complainant opposed the prayer. It is argued that the petitioner was member of the unlawful assembly who participated in the crime, therefore, considering the nature of the

offence, he does not deserve the concession of bail at this stage. However, it is not disputed that the petitioner was not named in the FIR and was attributed only a simple injury.

Considering the above background, custody of the petitioner and the fact that the trial will consume considerable time, this Court does not find any reason to further detain the petitioner. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

13.03.2020

vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No