

**201-1 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-13127 OF 2020

DATE OF DECISION : 15.09.2020

Suresh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Amit Singla, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Deepinder Singh, Advocate,
for the complainant.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

The petitioner is seeking regular bail in case FIR No.13 dated 12.01.2020 under Sections 307/148/149/323/452/506 IPC and Section 25 of Arms Act, registered at Police Station Adampur, District Hisar.

2. Per FIR allegations, complainant Dharam Pal, on 11.01.2020, requested Sharwan and Suresh sons of Jogi Ram, while they were spraying crop in the fields, to do so in downward direction, as it would damage crop in his field, adjacent to their field. However, they started abusing him. He then left for home but on the same day, at 6.00 PM, Sharwan and Suresh along with Rashil and Atam came to his Dhani. In his absence, all of them started abusing and pushed his mother Sakila and his wife Bimla and then went away. Few minutes later, complainant along with his brother Satpal and son of his uncle namely Chautha Ram also came to the Dhani. Sharwan, Suresh, Rashil and Atam along with 4/5 other persons, about 10 minutes later, again came back to the Dhani.

Sharwan was carrying gun and others were carrying lathies and dandas. All the accused started beating complainant group. Out of fear, complainant ran towards his mustered fields. Sharwan then fired gun shot at him and the pellets hit his eyes and other parts of the body. Sharwan fired another gun shot at Chautha Ram. When a cousin of complainant also reached the spot, all the accused fled away along with their respective weapons.

3. Learned counsel for the petitioner contends that petitioner has been falsely implicated in the case. There is inordinate and unexplained delay in lodging the FIR. There is neither any allegation of causing any injury to the complainant or anybody else by the petitioner nor otherwise any specific role has been attributed to him. The investigation in the case is complete and challan has been presented. The petitioner is in custody since 05.02.2020.

4. Learned counsel further submits that co-accused Rashil and Atam have already been granted the concession of interim bail by this Court and seeks parity on the same grounds.

5. Learned State counsel submits that the petitioner being a member of the unlawful assembly, actively participated in the occurrence. He further submits that the complainant received multiple injuries and his one eye has been completely damaged.

6. Having heard learned counsel for the petitioner, as well as learned State counsel, this Court is of the view that no useful purpose would be served by keeping the petitioner behind the bars since investigation is over and challan has already been filed. The petitioner is stated to be in custody since 05.02.2020. The trial is not likely to commence or conclude any time soon on account of current pandemic conditions. Petitioner is also entitled to parity with the other co accused who have already been enlarged on bail.

7. In the premise, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Illaqa Magistrate/ Duty Magistrate.

SEPTEMBER 15, 2020
shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : **Yes/No**

Whether reported : **Yes/No**