

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-21539-2020

Date of Decision: 13.08.2020

Dalbir

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. MS Dalal, Advocate for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Case has been taken up for hearing through video conferencing due to pandemic Covid-19.

Through this petition under Section 439 Cr.P.C., petitioner-Dalbir, has prayed for grant of regular bail in case FIR No. 159 dated 04.10.2019 registered under Sections 323/34 and 506 IPC (Sections 148, 149 and 302 IPC added later on) at Police Station Sadar, Kaithal.

According to prosecution, in the early morning of 04.10.2019, complainant-Ajay along with his brother-Gurmit and uncle Balwan, was going to his fields for routine work. When they reached in the street near the house of petitioner, then he (petitioner) along with his two sons, namely; Rinku and Aman attacked upon them with lathis-dandas, on account of some old enmity. Rinku gave danda blow on the head of Gurmit. Aman gave dada blow on the legs of complainant,

whereas petitioner gave danda blow on his left arm. Rinku also gave danda blow on the hand of Balwan-uncle of the complainant. Thereafter, the assailants fled away from the spot. Gurmit, brother of complainant succumbed to his injuries caused by the petitioner and his two sons.

Learned counsel *inter alia* contends that petitioner is 51 years of age. He has been attributed only a danda blow on the hand of complainant. Petitioner is in custody since 22.10.2019. Conclusion of trial may take long time. No useful purpose would be served by detaining him in jail.

On the other hand, learned State counsel vehemently opposed the submissions of learned counsel for the petitioner.

Having given thoughtful consideration to the rival submissions, this Court is not inclined to grant bail to the petitioner, inasmuch as, it is not a simple injury case. Rather, petitioner along with his two sons, surprisingly, attacking jointly killed an innocent person- Gurmit brother of complainant, for no reason.

Dismissed.

At this stage, learned counsel for the petitioner submits that he may be permitted to withdraw the instant petition.

August 13, 2020
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(RAMENDRA JAIN)
JUDGE

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