

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

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**CRM-M-27765-2020(O&M)
Date of Order:21.09.2020**

NARENDER @ GHANA

..Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Kotla, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J(Oral)

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.234, dated 04.12.2019, registered under Section 323/324/326/307/34 IPC, at Police Station Bhattu Kalan, District Fatehabad.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Fatehabad, in paragraph 2 of its order dated 20.05.2020, which is extracted as under:-

2 As per police reply on 03.12.2019 a telephonic message was received from Control Room Fatehabad in Police Station Bhattu Kalan regarding admission of Bhim Sain, Lilu, Daya Ram sons of Ram Sawrup and Teena wife of Vijender residents of Bhattu Kalan. Ram Sawrup son of Bhani Ram resident of Darewala in CHC Bhattu Kalan after receiving injuries in a quarrel. On this ASI Mahavir Singh alongwith fellow police officials reached at CHC Bhattu Kalan and obtained medico legal reports of injured persons and sought opinion regarding fitness of injured. The injured Bhim Sain, Lilu, Daya Ram and Ram Sawrup had been referred to MAMC Agroha and higher centres whereas injured Teena had been discharged on 04.12.2019. The injured were contacted on their mobile

phones and they told that they were admitted in Y K Choudhary Hospital Sirsa. Therefore, ASI Parshotam Dass alongwith fellow police official reached at Y K Choudhary Hospital Sirsa and injured Bhim Sain and Ram Sawrup were declared for making their statements. The statement of Bhim Sain was recorded. The complainant Bhim Sain alleged in his statement that his younger sister Teena was married with Vijender son of Chhabil Dass resident of Bhattu Kalan for the last 8 years. On 02.12.2019 the son of maternal mother in law of his sister namely Vikas son of Krishan resident of Bhattu Kalan entered into a quarrel with his sister Teena and his sister Teena made a telephonic call to him in this regard. On 03.12.2019 he along with his brother Lilu, Daya Ram his father Ram Sawrup and his cousin Daya Ram son of Aad Ram resident of Darewala reached in the street near the house of his sister at about 12.30 pm. In the meantime Vikas son of Krishan mother of Vikas namely Dhanni mother in law of his sister namely Bimla wife of Chhabil Dass, Mangal Singh and Bhaga Ram sons of Aasa Ram residents of Bhattu Kalan in criminal conspiracy with each other came there and Vikas tried to struck a knife blow in his ornxy stomach. He caught hold the knife with his right hand and Vikas gave a knife blow on his thigh Mangal Singh gave a knife blow upon his brother Lilu which struck towards right side of his stomach. His father tried to intervene but Vikas gave a knife blow upon his father. His father raised his left hand and received injury on his left hand. The assailants laid them down in the street and Bimla Dhanni and Bhaga Ram gave danda blows to them. On hearing commotion his sister Teena came there and assailants also caused injuries to his sister Teena. The complainant also alleged that several persons on hearing commotion gathered in the street and all the assailants went away to the house of Vikas. They were admitted in General Hospital Bhattu Kalan by his brother Daya Ram. On the basis of statement of complainant case FIR was registered. The matter was investigated. The petitioner/acused was arrested on 12.01.2020.”

Learned counsel for the petitioner contends that the petitioner is not named as an accused in the FIR and he is sought to be implicated in a subsequent statements of Teena, Ram Sarup, Lilu @ Daya Ram under Section 161 Cr.P.C.. He further contends that the petitioner is in detention from 13.01.2020. He further draws attention of the court to the bail granted to a co-accused Deen Dayal on 10.08.2020.

On the other hand, learned counsel appearing for the State has

contended that there is a distinction in the case of Deen Dayal and the petitioner. He further contends that the petitioner does not have clean antecedents.

This court has considered the submissions.

The petitioner has already suffered incarceration for a period of more than 8 months. Even in the statement under Section 161 Cr.P.C, the petitioner is alleged to be armed with a wooden stick and has given injuries to Teena, Ram Sarup, Lilu @ Daya Ram. As per the case of the prosecution, Mangal Singh is attributed to have caused injuries under Section 307 IPC to Lilu @ Daya Ram.

On conclusion of the investigation, the police report under Section 173 of the Code of Criminal Procedure has been filed, however, charges are yet to be framed. The conclusion of the trial is likely to take time.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 13.01.2020 and conclusion of the trial is likely to take time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly the petition is allowed with the aforesaid directions.

September 21, 2020
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No