

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

207

**CRM-M-34308-2020(O&M)
Date of decision :02.11.2020**

JITENDER KUMAR

.....Petitioner

versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sushil Sheoran, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J. (ORAL)

Hearing of the case was held through video conference 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.No79 dated 26.5.2020, registered under section 147/148/149/323/506 IPC(Section 325/307 IPC added lateron), at Police Station Bond Kalan, District Charkhi Dadri.

In a nutshell, the case of the prosecution has been noticed by the learned Additional Sessions Judge, Charkhi Dadri, in paragraph 2 of its order dated 08.9.2020, which is extracted as under:-

As per prosecution version, the present case was registered against the petitioner-accused on the statement of complainant Pardeep with the allegations that he is an agriculturist. On 25.05.2020, at about 11:00 a. m., he had gone to purchase some articles from the grocery shop. At that time, son of his uncle namely Rahul son of Satpal, resident of Misri was taking his tractor by attaching their trolley then Vikas son of Shri Bhagwan started giving abuses and threatened to kill. Though he was at a distance of about 50 feet from the tractor trolley

and was not troubling him but he threatened him to kill like a goon and also used abusive language. At that time, his family members Rahul, Anil and Mitu sons of Ramesh, Kala alias Jitender son of Ashok and Vikas son of Shri Bhagwan were present at the Chabutra of the shop. When he asked to stop him from doing so then he also gave threatening to kill him and on finding him alone started giving beatings to him and he was inflicted serious injuries. All of them were armed with iron rods and Dandas. After hearing noise of quarrel, his father and his aunt reached there and his family members informed at emergency No.100 and they tried to make them understand but they were adamant to kill. In the meantime, Anil gave a Danda blow to his father Ranbir, due to which, he fell down. Jitender and Rahul gave an iron rod blow on his head with intention to kill. Ashok came there while wearing helmet. He also attacked him. In the meantime, his aunt also came then Mitu gave an axe blow on the head of his aunt Rajnish, who became unconscious there. Urmila, wife of Ramesh also encircled them when Rajnish was giving injuries then their nephew Rakesh also tried to rescue them, who also received minor injuries. Their family members could not understand that why they were adamant to kill and were repeatedly saying that they will not spare anyone. Due to injuries sustained in the incident, his father and aunt got admitted in G. H., Dadri by complainant Pardeep. Doctor referred them to PGI Rohtak after giving first-aid where he and his aunt was discharged after treatment though his aunt sustained deep injuries and his father is under treatment. The accused namely Rahul, Anil and Mitu sons of Ramesh, Jitender son of Ashok, Vikas son of Shri Bhagwan, Urmila wife of Ramesh, Ramesh, Ashok and Shri Bhagwan sons of Ramnarayan have caused injuries. With the aforesaid allegations, the said FIR under Sections 147, 148, 323 506 read-with Section 149 of IPC was lodged. Later-on, the offences under Section 307 of IPC was added in the case.”

Learned counsel for the petitioner contends that the injured was discharged from the hospital after a period of two weeks and on completion of the investigation, the challan has already been filed in the court on 01.10.20020. He further submits that initially all the offences were bailable and, therefore, the petitioner joined the investigation and released on bail on 07.07.2020. However, thereafter, offence under Section 307/325 IPC were

added and the petitioner was arrested on 23.07.2020.

On the other hand, Sh. Chetan Sharma, Assistant Advocate General, Haryana, has submitted that the petitioner is the main accused, who caused injury with an iron rod on the victim's head.

This court has considered the submissions.

It is not disputed that the petitioner is a person with clean antecedents and on completion of the investigation, the police report under Section 173 Cr.P.C has been filed.

The petitioner has already suffered incarceration for a period of 3 months and 10 days.

Without commenting on the merits of the case and keeping in view the fact that the petitioner has already suffered incarceration for a period of 3 months and 10 days and the 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 trial Court/Duty Magistrate.

Accordingly the petition is allowed with the aforesaid directions.

November 02, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No