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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.7853 of 2021 (O&M)

Date of decision: 06.07.2021

Mehar Chand

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ashit Malik, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Sobit Thutela, Advocate for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

CRM-15394-2021

Prayer in this application is for preponing the date fixed in the main petition.

Heard.

For the reasons stated in the application, the same is allowed and the main case is taken up today for hearing.

CRM-M-7853-2021

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.174 dated 07.09.2020, for offence punishable under Sections 302/34 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station Babain, District Kurukshetra.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of Jatinder Singh, it is stated that he has 03 sons namely Amandeep, Amardeep @ Rubi Singh and Vikramdeep. His 02 sons namely Amandeep and Vikramdeep are

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settled abroad whereas Amardeep Singh @ Rubi reside with him and is doing agricultural work. The petitioner – Mehar Chand and sons Ravi and Binu and son-in-law namely Sonu, frequently fought and quarreled with his son Amardeep Singh @ Rubi (since deceased). On 06.09.2020, the petitioner, his 02 sons and son-in-law again had a fight with Amardeep Singh @ Rubi (since deceased) and at about 10:00 PM when his son had gone to the fields on his motorcycle, he did not return back despite the complainant making repeated calls on his mobile phone, which was not responded. At about 11:15 PM, his phone was picked up by someone, who informed that his son was taken to Shahabad Hospital having serious head injury and was referred to Chandigarh by the doctors. On way, his son told him that Mehar Chand i.e. the petitioner, his sons Ravi and Binu and son-in-law Sonu have caused injuries to him, thereafter, noticing that his physical movement has stopped, he was again taken to Shahabad Hospital where doctor declared him dead. It is further submitted that the petitioner is an old man aged about 72 years and as per the disclosure statement of his son-in-law Sonu, the petitioner had given a lalkara to teach Amardeep Singh @ Rubi (since deceased) a lesson for abusing his family and he should not be spared.

Thereafter, Sonu gave a blow with an iron road on the head of Amardeep Singh @ Rubi. Parveen gave a blow on the head of Amardeep Singh with a gandasi type rod which he was holding in his hand and Amardeep Singh fell on the ground and thereafter, all the 04 accused persons also escaped from the spot.

Counsel for the petitioner has also submitted that the petitioner being an old man is suffering from age related problems and

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the only allegation against him is that he has provoked his sons and son-in-law to cause injuries to the victim. It is also submitted that the investigation is complete and the case, before the trial Court is now fixed for 25.08.2021 for recording the statement of the complainant. It is also submitted that the petitioner is not involved in any other case.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Counsel for the complainant has, however, submitted that if the petitioner is granted bail, he may misuse the concession of bail by trying to influence the prosecution witnesses.

In reply, counsel for the petitioner has argued that the petitioner has volunteered to deposit Rs.1,00,000/- as surety amount, without prejudice to his right of defence, to ensure that the petitioner will not misuse any terms and conditions, if released on bail.

In response, counsel for the complainant has submitted that the amount of Rs.1,00,000/- be deposited, without prejudice to the right of prosecution to lead all the evidence.

After hearing the counsel for the parties, without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last 09 months and 28 days; he is aged about 72 years and is facing age related health problems and the allegation against him is that he has given a lalkara whereas his sons and son-in-law have caused fatal injuries to the victim; the case is at the stage of recording the evidence of the prosecution witnesses; the petitioner is not involved in any other case; the custodial interrogation

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of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation and also in view of the fact that the petitioner has undertaken that he will not misuse the concession of bail, in any manner and has offered to deposit a sum of Rs.1,00,000/- with the trial Court, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

The petitioner while furnishing the bail/surety bonds will deposit Rs.1,00,000/- with the trial Court.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

It is made clear that the deposit of Rs.1,00,000/- will neither prejudice the right of defence of the petitioner nor it will prejudice the right of the prosecution/complainant to lead their prosecution evidence.

(ARVIND SINGH SANGWAN)
JUDGE

06.07.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No