

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

1. CRM-M-15148-2021 (O&M)

Surender Kumar

...Petitioner

Versus

State of Haryana

...Respondent

2. CRM-M-12669-2021

Vakil and others

...Petitioners

Versus

State of Haryana

...Respondent

Date of decision: 28.04.2021

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Ravi Malik, Advocate
for the petitioner(s).

Mr. Sumit Jain, Addl. A.G., Haryana.
Mr. R. S. Dhull, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-11940-2021 in CRM-M-15148-2021

Prayer in this application is for preponing the date of the main case which is fixed for 04.05.2021.

For the reasons stated in the application, the same is allowed.

Let the main case be preponed and taken up today itself.

Main cases

This common order shall dispose of above noted two petitions

as they arise out of the same FIR.

Prayer in these petitions, filed under Section 439 of the Code of Criminal Procedure, is for grant of regular bail to petitioners in case FIR No. 329 dated 05.12.2020, registered under Sections 147, 148, 149, 323, 324, 325, 326, 506 of the IPC at Police Station Sadar Narwana, District Jind.

Learned counsel for the petitioners submits that as per allegations in the FIR, registered at the instance of complainant Ved Parkash, it is stated that he is working as a driver and on 05.12.2020, his vehicle did not start, therefore, his son Monu and brother Rajinder were pushing the same to get it started, however, in the meantime, petitioner Baljeet Singh came there and started abusing them. Thereafter, he went back to his house and came back along with Satish, Daya, Sonu, Surrender, Pawan, Vakil and Mandari. All of them were carrying lathis and gandas and they attacked on the complainant party. Satish gave a gandas blow which hit below the right eye of the complainant; Sonu gave a danda blow which hit the forehead of the complainant and Daya also gave a danda blow which hit the left arm and waist of the complainant. Then Baljit gave a gandas blow to Rajinder which hit his right hand; Surrender also gave a gandas blow to Rajinder which hit the head of Rajinder; Mandhari gave a lathi blow to Rajinder which hit the left leg of Rajinder. Thereafter, Mandhari gave a danda blow to complainant's son Monu. Thereafter, the complainant party raised hue and cry and complainant's nephew Mohit came there, on which, Vakil gave a gandas blow to him which hit his right thumb; Pawan also gave a gandas blow to Mohit which hit his small finger of left hand. Thereafter, all the accused persons fled away from the spot.

Learned counsel for the petitioners further submits that the incident has occurred due to sudden provocation and the petitioners are ready to compensate the injured victims by paying a sum of Rs. 25,000/- each towards their medical expenses, without any prejudice to their right of defence.

Learned counsel further submits that challan stands presented and conclusion of trial is likely to take a long time, therefore, the petitioners, who are in judicial custody since 01.02.2021, may be enlarged on regular bail.

Learned State counsel, on the basis of the affidavit of the DSP, Narwana, has opposed the bail on the ground that all the accused, in conspiracy with each other, have caused injuries to complainant party as detailed in the affidavit and FIR.

Learned State counsel further submits that there are total eight accused and challan qua the petitioners herein have already been presented.

After hearing learned counsel for the parties, without commenting anything on the merits of the case, considering the facts that petitioners are in judicial custody since 01.02.2021 and they have fairly volunteered to pay a sum of Rs. 25,000/- each to all four injured witnesses and also in view of the fact that conclusion of trial is likely to take some time, the present petitions are allowed. Petitioners Surrender, Vakil, Dharampal @ Madri, Dayanand @ Daya and Baljeet Singh are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate concerned.

However, this will be subject to a condition that each petitioner will deposit a sum of Rs. 20,000/- with the Illaqa Magistrate/trial Court at

the time of furnishing bail/surety bonds and the said amount, i.e. Rs. 1,00,000/-, will be disbursed to all the four injured victims in equal share by the Illaqua Magistrate/trial Court.

The payment of aforesaid amount by the petitioners shall not cause any prejudice to their right of defence.

A photocopy of this order be placed on the file of other connected case.

28.04.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No