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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(Through video-conferencing)

CRM-M No.14320 of 2019 (O&M)
Date of Decision: 27.08.2021

BALWAN	Petitioner
Vs	
STATE OF HARYANA	Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Anshuman Dalal, Advocate
for the petitioner.

Mr. Anant Kataria, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.306 dated 16.06.2018 registered under Sections 323, 324, 452, 148, 149, 307, 302, 201 IPC and Section 25 of the Arms Act, 1954 and 1959 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) act, 1989 at Police Station Sadar Rohtak, District Rohtak.

Prosecution story started with the allegations that complainant-Sewa Singh, used to do labour work. On 15.06.2018 at about 9.30 P.M., a dispute arose between his son Ravinder with his uncle Balwan. The complainant had resolved

the matter but Balwan kept the grudge in his mind. On 16.06.2018 at about 9.00 A.M., the complainant, his son Ravinder, daughter Kavita, his wife Ram Bhateri and younger son Parveen were present in the house. At that time, Balwan and his wife Brehmani came to the house of the complainant while abusing. In the meantime, Harish along with his friend Sheena @ Sunil and 3-4 other boys duly armed with knives and *dandas* entered the house and started beating the complainant-party in connivance with Harish, Balwan and Brahmi.

It appears that in the true translation of FIR, name of Harish had appeared at two places in different context but the fact remains that as per allegations Harish and Sheena gave knife blows at the right sides of the flank of his son Ravinder and daughter Kavita. They gave blow on the head of wife of the complainant namely Ram Bhateri as well. Thereafter the assailants fled away from the spot. Three persons received injuries i.e. Ravinder, Kavita and Ram Bhateri. Out of that Kavita had been died on account of injuries received on her person.

Learned counsel for the petitioner submits that the petitioner is brother of the complainant. No specific role has been attributed to the petitioner except the fact that he along with his son and wife made an unauthorized entry in the house of the complainant. No overt act has been attributed in the

context of inflicting injuries on the person of Ravinder, Kavita and Ram Bhateri. Brahmi wife of the petitioner has been granted regular bail by the High Court vide order dated 21.02.2019 passed in CRM-M No.2249 of 2019.

Learned counsel further submits that the petitioner is in custody for the last 2 years 7 months in exclusion of period of interim bail for about 4 months.

As per prosecution story danda has been recovered from the petitioner. Out of 27 prosecution witnesses, only 6 witnesses have been examined including the complainant Sewa Singh, who has reiterated the version from the FIR. Ram Bhateri has been given up by the prosecution. Co-accused Harish and Sheena @ Sunil are in custody to whom the main injuries are attributed to the injured Ravinder and Ram Bhateri as well as deceased Kavita. Trial of the case has not made any substantial progress. The complainant-Sewa Singh has been fully examined in compliance of order dated 15.03.2021 passed by this Court.

Learned State counsel however opposed the bail on the ground that the petitioner is main kingpin at whose instance the other accused made unauthorized entry and inflicted injuries upon the persons. Testimony of Rakesh PW-2 would remain debatable as to whether he has supported the case of the

prosecution or not.

Having heard learned counsel for the parties, I am of the view that the petitioner is in custody for more than 2 years and 7 months and complainant has already been examined. Injured Ram Bhateri has been given up by the prosecution. Trial of the case may take some time in its culmination. Out of total 27 prosecution witnesses, only 6 witnesses have been examined so far.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail, without adverting to the merits of the case,

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

August 27, 2021

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No