

224

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

**CRM-M No.22765 of 2021(O&M)
Date of Decision: 29.06.2021**

Ram Chander @ Bhura

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Vivek Goyal, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.739 dated 02.10.2020 registered under Sections 148, 149, 186, 307, 323, 332, 341, 353, 427, 506 IPC (Section 302 IPC and Sections 3(2)(v), 3(2) (va) of SC/ST Act added later on) at Police Station Thanesar City District Kurukshetra.

FIR was registered on the statement of Ram Chander @ Sonu with the allegations that when his father was going to

his house, Balkar son of Inder Singh, Ram Chander son of Inder, Babu son of Vinod Kumar, Deepu son of Vinod Kumar and servant of Ram Chander restrained him. Due to the grudge of previous day, the aforesaid persons restrained the way of father of the complainant and quarreled with him. Balkar Singh and Bhura @ Ram Chander asked the women folk to give brick batting from the roof. Elder daughter of Balkar, other daughters and wife of Ram Chander threw flower pots and did brick batting upon the father of the complainant. Complainant went to save him. Bhabhi of the complainant namely Poonam wife of Rishi Pal, wife of the complainant namely Seema, mother of the complainant namely Satya Devi, brother of the complainant namely Aman and their servant came to rescue at the spot and saw that Balkar Singh was having hammer in his hand and he inflicted hammer blow on the head of the father of the complainant and kept on giving beatings continuously. Petitioner gave sword blows to the mother of the complainant and women folk threw flower pots and bricks and gave injuries to her. Deepu gave danda blow and Babu also gave injuries with danda to the brother of the complainant namely Aman. The quarrel took place due to the grudge of earlier day. On information, police came to the spot and accused party also gave injuries to the police personnel and threw stones upon the vehicles of the police. Police vehicles were also damaged. The scooty of the

complainant was also damaged. When the persons started gathering at the spot, the accused party fled away from the spot. During the quarrel, cash amount of Rs.15,000/- had fallen. With this background, FIR came to be registered.

Learned counsel for the petitioner submits that as per allegations in the FIR, the petitioner was armed with sword and he inflicted sword blow on the person of the mother of the complainant. The mother of the complainant has not been medico legally examined. Petitioner has not inflicted any injury to the deceased. No sword has been recovered from the petitioner, rather a danda has been recovered. FIR is silent with regard to danda blow upon the deceased in any manner, except a self serving incriminatory statement in the form of disclosure statement of the petitioner, which has no evidentiary value. Petitioner is in custody since 02.10.2020. Challan has been presented and now the case is fixed for 25.08.2021 for framing of charges. Learned counsel further submits that in view of total allegations in the FIR, the complicity of the petitioner even under provision of SC/ST Act would not be attracted.

Learned State counsel, however, opposed the bail. The factum of recovery of danda from the petitioner is admitted.

At this stage without meaning anything on merits of the case and in view of situation arising out of COVID-19 Pandemic,

I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on regular 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 any opinion on merits of the case.

29.06.2021

Prince

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No