

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.23858 of 2021

Date of Decision: August 05, 2021

Charan Singh & another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Preetinder Singh Ahluwalia, Advocate with
Mr.Parveen Hans, Advocate,
for the petitioners.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioners have filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.113 dated 04.05.2021, under Sections 323, 324, 325, 326, 147, 148 and 149 IPC, 1860, registered at Police Station, Sadar Hansi, District Hansi, who are in custody since their arrest on 10.05.2021.

The contents of the FIR, as noticed by the additional Sessions Judge, Hisar in his order dated 16.06.2021, are as under:-

“This case was registered on a complaint made by Parminder son of Vishamber, resident of village Puthi Mangal Khan wherein he alleged that on 04.05.2021 at about 7.00 AM, he was unloading fodder from his tractor in his plot. In the meantime, Hari Kishan, Charan Singh and Mahan Singh sons of Hari Kishan came. Mahan Singh was armed with a lathi whereas Charan Singh was having a Farsa. He stated that

why he took tyre of his tractor over their drain. Thereafter Hari Kishan took out keys of his tractor. Charan Singh gave a farsa blow on his right leg above ankle. When he raised alarm, Dholu and Dalip Singh also came at the spot. Then Charan Singh gave a farsa blow on the head of Dholu and another blow on his right hand near thumb. Mahan Singh also gave lathi blows to Dalip Singh on his right and left hands. In the meantime, Sadhu and Bhanu also came and they caught him and Dholu. Then Charan Singh gave farsa blow on the head of Dalip Singh. When they raised alarm, neighbours came at the spot and saved them. A request for taking necessary action against the accused was made.”

Learned counsel for the petitioners contends that in the alleged occurrence, both sides had suffered injuries and cross cases were registered through separate FIRs, wherein the investigation is complete as the respective final reports stand filed on 06.07.2021. He has further pointed out that the charges are yet to be framed and the case is coming up for the said purpose before the trial court on 13.08.2021. He prays for bail.

On the other hand, learned State counsel, assisted by SI Jagbir Singh, does not dispute the above factual aspect and states that both the sides had suffered injuries.

After hearing the learned counsel for the parties, considering the above background, custody of the petitioner and the nature of the offences, this court is of the opinion that the material witnesses are either the injured or the police officials and there does not seem to be any possibility of their being won over and as the trial is likely to consume considerable time to conclude, thus, the further detention of the petitioners behind the bars may not be necessary, who are presently confined in judicial custody after their arrest on 10.05.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Hisar.

August 05, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No