

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.25308 of 2021
Date of Decision: July 13, 2021

Ram Phal @ Mintu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Parminder Singh, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.41 dated 12.02.2019, under Sections 323, 324, 326, 307, 506 IPC, 1860 and Section 25/54 Arms Act, 1959, registered at Police Station, Kunjpura, District Karnal. The petitioner is in custody since his arrest on 29.09.2020.

The above FIR was registered on the statement of complainant Prithvi, wherein it was stated that he was working at Mufti Garment, Kunjpura Road, Karnal. On 10.02.2019, he was present at the showroom, when an altercation had taken place between his cousin Dalwinder and accused Naresh, but on 11.02.2019 at about 9.15 A.M., when complainant Prithvi Singh, his cousin Mukesh and Krishan were going to work in their plot, then suddenly accused Shivdayal @ Shibu, Rishipal, Suresh and Naresh came there and raised a lalkara to teach a lesson to the complainant

party of an altercation, which had taken place a day before. Accused Naresh had fired a shot from a country made pistol. All the three victims had saved themselves by taking a side behind a trolley. Bullet hit the trolley. In this way, victims had a narrow escape. Then accused Shiv Dayal had given a gandasi blow on the head of victim Prithvi causing an injury on the middle of the head. Accused Suresh had given a gandasi blow causing an injury on the knee of the said victim. Then accused Rishipal had given a gandasi blow, which was so forceful that left hand of victim Krishan was chopped off. Then another accused Ramphal had given a gandasi blow on Krishan, causing a head injury. Krishan fell down. All the said four accused continued with gandasi blows on the victim Krishan, who was lying on the ground. Victim raised an alarm, upon which their relatives Smt.Bimla Devi and Smt.Roshni Devi came at the spot.

Learned counsel for the petitioner has argued that in the alleged occurrence, the petitioner and his co-accused Rishipal also suffered injuries, whereupon a cross case has been registered for the offence punishable under Section 326 IPC against the other side. In this regard, he has invited the attention of the court to the MLR dated 11.02.2019 (Annexure P-2) relating to the petitioner and the observations of the trial court in the order dated 10.02.2021 (Annexure P-5), which indicate that the co-accused Rishipal suffered grievous injury. Learned counsel has pointed out that the petitioner has been attributed only a simple injury to injured Krishan Kumar. He has further invited the attention of the court to the order dated 29.06.2021 (Annexure P-4) and submitted that his co-accused Shiv Dayal @ Shiv Kumar @ Shibu has already been released on regular bail. He prays for bail during the pendency of the trial.

On the other hand, learned State counsel, assisted by ESI Ramesh Kumar, has opposed the prayer on the ground that the petitioner participated in the commission of offence and had given injury on the head of Krishan Kumar. According to him, the other injury suffered by injured Krishan Kumar is attributed to Rishipal, which has been described as dangerous to life. He, on instructions, further states that the case is coming up for consideration on the final report on 23.07.2021.

After hearing the learned counsel for the parties and considering the fact that the co-accused of the petitioner has already been released on regular bail, this Court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 29.09.2020. Further, the trial may take considerable time to conclude as the charges have not been framed so far.

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, Karnal.

July 13, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No