

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

CRM M-27717 of 2021 (O&M)

Date of Decision: August 17, 2021

Jai Bhagwan

...Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

Mr. Gaurav Jindal, Addl. A.G., Haryana
for the respondent-State.

FATEH DEEP SINGH, J. (Oral)

The matter has been taken up through
video-conferencing due to outbreak of pandemic COVID-19.

Petitioner Jai Bhagwan who is in custody has come
up in this third petition under Section 439 Cr.P.C. for grant of
regular bail to him in case FIR No. 501 dated 01.09.2017
registered under Sections 148, 149, 202, 285, 323, 324, 302,
307, 506 IPC and 25 of Arms Act, 1959, Police Station
Gharaunda, District Karnal.

The allegations against petitioner has been levelled by complainant Rani wife of deceased Om Parkash alleging that her family was cultivating 6 Killas of land on '**batai**' for the last 06 years. It is alleged that petitioner Jai Bhagwan alongwith co-accused Jai Narain, Maman Ram, Pramal, Raj Kumar and Balbir often used to give threats to the family not to cultivate the land as they were the owners. It is alleged that on 31.08.2017 the Sarpanch Ashok Kumar threatened the complainant side that they should not harvest the crops sown therein else he will get them killed. It is alleged that on 31.08.2017 around 12.00 after noon while the complainant alongwith her son Ravi, husband Om Parkash (deceased), Sandeep, Ramesh, Rajesh, Tarseb and Pink were harvesting their '**bajra**' crop sown therein then accused Jai Narain armed with double barrel gun, Jai Bhagwan and Praveen with pistol and lathi, Parmal, Vijay, Ajay, Balbir, Savitri and Jai Bhagwan's wife with lathi, Raj Kumar with Gandasi, Shimla, Omwati and Jai Narain's wife with sickle and Parmal's wife with danda came. On raising lalkara by the accused they assaulted the complainant side. It is alleged that

Jai Narain fired 5/6 shots from his weapon hitting right elbow of the complainant while her husband suffered chest injuries and so Sandeep, Ramesh and Vedpal. It is thereafter the petitioner is alleged to have given shot from his weapon in the air. Thereafter, the accused Parmal took the weapon from Jai Bhagwan and fired gun shots and so did accused Parveen. It is, thereafter, accused/petitioner Jai Bhagwan and Balbir attacked the complainant and her husband hitting the deceased and others on various parts. Raj Kumar is alleged to have given gandasi blow from reverse side on the stomach of the deceased while Parmal jumped on the abdomen while the deceased laying on the ground. Omwati gave sickle blow on the right hand of the complainant while Parmal's wife gave danda blow on her left arm. Raj Kumar inflicted lathi blows in the head of Rajesh and gave gandasi blow in the head of Tarseb.

It is thereafter husband of the complainant succumbed to the injuries and the accused ran away.

Mr. Parminder Singh, learned counsel for the petitioner, *inter alia*, contends that co-accused of the petitioner

Erdesh has been allowed bail by this Court and so accused Parveen Kumar, Om Patti and Ajay and that the case of the petitioner is not distinguishable from that of the co-accused. It is submitted that the petitioner is behind the bars for almost 04 years and the trial is yet to be completed.

Mr. Gaurav Jindal, Addl. A.G. Haryana on behalf of the State has strongly opposed the grant of bail on the grounds that case of the petitioner is distinguishable from that of co-accused who have been allowed bail. It is alleged that from the possession of the petitioner .3 15 bore weapon alongwith 3 live and 2 empties of the same bore have been recovered and, therefore, specific allegations of injuries to the petitioner. The counsel has shown the apprehension that if allowed bail the petitioner might influence the trial being villagers who wield great influence in the area.

There are specific allegations against the petitioner as to his role in the commission of the offence. The deceased has died due to firearm injuries on his chest etc. besides he also received injuries on other parts of the body and danda blows too

have been inflicted upon the deceased. The case of the petitioner is quite distinguishable from co-accused who have been allowed bail and, thus, the claim of parity is a futile effort. Keeping in view the heinousness of the offence and seriousness of the allegations, this Court does not feel inclined to allow the bail.

Accordingly, the petition stands dismissed.

August 17, 2021
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No