

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

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CRM-M-32821-2021(O&M)

Date of Decision: November 08, 2021

Chouhal Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Sunil Panwar, Advocate for the petitioner.

Mr. Munish Sharma, A.A.G. Haryana.

Mr. Sanjay Jain, Advocate for the complainant.

AMOL RATTAN SINGH, J. (Oral)

By this petition, filed under the provisions of Section 439 Cr.P.C., the petitioner seeks grant of 'regular bail' in case FIR No.282 dated 21.09.2020, registered at Police Station Naraingarh, District Ambala, for the alleged commission of offences punishable under Sections 148, 149, 302, 307, 323, 324, 452, 506 and 120-B of the Indian Penal Code, 1860 and 25 of Arms Act, 1959.

Learned counsel for the petitioner submits that other than the fact that the petitioner is 65 years old, the only attribution to him, even as per the FIR, is a *danda* blow on the son of the deceased, i.e. Ankush son of Hem Singh.

He further submits that he has been in custody for almost one year and two months, with only one prosecution witness examined out of 31.

Learned counsel for the complainant, however, vehemently opposes the petition on the ground that an application has also been lodged with the SHO, Police Station Naraingarh, that the witnesses have been threatened that if any bail application is opposed, the complainant and his family would be 'eradicated'. Learned counsel for the complainant further submits that the petitioner being a member of an unlawful assembly armed with deadly weapons, he should not be admitted to bail because the intention of all members of the assembly was common.

Learned State counsel also opposes the petition on the ground that the injuries inflicted on the deceased and other injured by the petitioner and all his co-accused, were all the result of a common 'beating' and therefore the petitioners' role cannot be segregated.

Whereas both learned counsel for the complainant and also learned State counsel would be correct as regards their contentions, however, simply looking at the age of the petitioner and the stage of the trial and the specific role attributed to him, without making any comment on the actual merits of the case, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Duty Magistrate/Chief Judicial Magistrate.

November 08, 2021

Sachin M

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*