

CRM-M-39475-2021(O&M) &
CRM-M-25617-2021(O&M)

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

(1) CRM-M-39475-2021(O&M)

Sushil Kumar

...Petitioner

Versus

State of Haryana

...Respondent

(2) CRM-M-25617-2021(O&M)

Bhajan Lal

...Petitioner

Versus

State of Haryana

...Respondent

Date of decision:-20.12.2021

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.P.S. Jammu, Advocate
for the petitioner in CRM-M-39475-2021.

Mr.Sushil Kumar Verma, Advocate
for the petitioner in CRM-M-25617-2021.

Mr.Sharad Aggarwal, AAG, Haryana.

Mr.K.S. Godara, Advocate
for the complainant.

H.S. MADAAN, J.

Cases taken up through video conferencing.

By this order, I shall dispose of two petitions i.e. CRM-M-39475-2021 filed by petitioner/accused – Sushil Kumar and CRM-M-25617-2021 filed by petitioner/accused – Bhajan Lal for grant of regular bail in case FIR No.76 dated 18.5.2021, under Sections 326, 323, 324,341, 147, 148, 149 IPC, registered with Police Station Odhan, District Sirsa.

Briefly stated, facts of the case as per prosecution version are that an FIR in this case was recorded on the basis of statement of complainant Raghubir Singh son of Ranjit Singh, aged about 34 years, resident of village Odhan, who *inter alia* stated that he is an agriculturist by occupation; on 17.5.2021 at about 11:15 a.m., he along with his cousin brother Maan Singh son of Shankar Lal was irrigating their field with canal water; in the meanwhile Bhajan Lal son of his paternal uncle Krishan Lal, with whom he had a land dispute along with his wife Suman, uncle Krishan Kumar, his wife Munni Devi and Shimla Devi armed with dandas (clubs) arrived at the spot and attacked them; Bhajan Lal having a KAPA hit the complainant on head, feet and left hand finger; when Maan Singh tried to intervene, then Sushil inflicted injuries to Maan Singh with KAPA; while complainant and Maan Singh were in the process of fleeing, then Suman, Munni Devi and Shimla caught hold of them and caused them further injuries; after the incident, all the assailants left the spot along with their respective weapons on their tractor; on coming to know about the incident, father of the complainant, namely, Ranjit Singh along with uncle of complainant namely Shankar Lal came to the spot, arranged

conveyance and removed both the injured to Civil Hospital Odhan from where they were referred to Civil Hospital, Sirsa. They were subjected to x-ray examination and CT Scan. The matter was reported to the police. On the basis of such statement of complainant Raghbir Singh, formal FIR was recorded. Both the injured were medically treated and medico-legally examined. As per the MLR of injured/complainant Raghbir Singh, he was found to be having six injuries caused with a sharp edged weapon, whereas in terms of MLR of injured Maan Singh, three injuries caused with sharp edged weapon were observed on his person. However, a chip fracture was found on left parietal bone, frontal bone and occipital bone of complainant with shaft tissue swelling. Therefore, injuries No.1, 2 and 4 on his person were declared to be grievous in nature, whereas injuries No.3, 5 and 6 were opined to be simple. Whereas CT Scan of injury on the hand of injured Maan Singh revealed a fracture in the finger. Offence under Section 326 IPC was added in this case on 22.5.2021. Petitioner/accused Bhajan Lal and Sushil Kumar were arrested in this case on 28.5.2021. The weapons and tractor used in the incident were recovered from them. During the course of investigation, Suman wife of Bhajan Lal, Shimla wife of Badri Parshad and Munni Devi wife of Krishan Lal were not found to be involved in the incident. However, the remaining accused were challaned. They were charge-sheeted and trial against them is going on. The petitioners/accused had filed petitions for grant of regular bail in the Court of Sessions but were unsuccessful there. Petitioner/accused Sushil Kumar had approached this Court earlier by way of filing petition i.e. CRM-M-26570-2021. However, that petition

was withdrawn. Now both the petitioners/accused have approached this Court again coming with the similar prayer, which is being resisted by learned State counsel.

I have heard learned counsel for the parties besides going through the record.

Both the petitioners are behind bars for a period of about 7 months. Although trial against them is going on but keeping in view the pace at which it is moving, its conclusion is likely to take considerable time. Although the complainant in his statement made to the police had named women Suman, Munni Devi and Shimla, female relatives of the petitioners having taken part in the incident but as a result of the investigation carried out their involvement was not found in the occurrence. During the course of trial, the prosecution had moved an application under Section 319 Cr.P.C. for summoning such women named in the FIR as additional accused but that application is said to have been dismissed by the trial Court. The statements of the complainant and other injured Maan Singh have statedly been recorded in the trial Court. Both the petitioners/accused are said to have also received injuries in the incident. Copies of their MLRs are available on record. The parties are closely related with each other and the incident seems to have taken place at spur of the moment and not as a result of any pre-planning or premeditation. The guilt of the accused shall be determined during the trial, the conclusion of which is likely to take some time. Further detention of the petitioners/accused shall not serve any useful purpose.

Under the facts and circumstances of the case, I am of the

view that the petitioners deserve to be granted concession of bail. Therefore, the petitions are allowed and the petitioners be admitted to bail during the pendency of the trial, subject to their furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Sirsa, subject to the following conditions:

- (i) they shall appear in the Court on each and every date of hearing;
- (ii) they shall not give any threat or intimidation to the prosecution witnesses;
- (iii) they shall not indulge in any criminal activity;
- (iv) they shall not leave India without prior permission of the Court; and

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioners do not abscond and interfere in the trial.

In case the petitioners violate any term and condition on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

20.12.2021

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No