

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-42205-2019 (O&M)

Date of Decision:-18.8.2021

Om Parkash

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Vishal Kashyap, DAG, Haryana,
assisted by SHO Dharamveer.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.277 dated 7.10.2018 at Police Station City Narwana, District Jind under Sections 302, 452, 506 of Indian Penal Code and Sections 3(2)(v), 3(1)r(POA) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
2. The FIR was lodged at the instance of Vikram Singh, wherein it is alleged that there was a dispute since last several months between his brother Jagjit Singh @ Babloo and one Raju Pandit son of Om Parkash and said Raju

Pandit had thrown bricks and stones on several occasions at the house of complainant's brother Jagjit Singh @ Babloo during night hours. In this regard, a complaint had also been submitted in the police station but upon submission of said complaint Om Parkash father of Raju Pandit had threatened them several times either to compromise the matter or to face consequences and threatened to eliminate their family. It is alleged that on 6.10.2018 when the complainant alongwith his brother Jagjit Singh @ Babloo and his nephew Rajat were going towards the house of Jagjit Singh @ Babloo, then Jagjit Singh @ Babloo was walking a few steps behind them. They suddenly heard the cries of his brother Jagjit Singh @ Babloo and saw that Jagjit Singh @ Babloo had been caught hold by Om Parkash, while Raju Pandit was inflicting blows to Jagjit Singh @ Babloo with a knife. When the complainant proceeded forward to rescue him, the said accused fled away from the spot. Although, Jagjit Singh @ Babloo was taken to hospital but he ultimately succumbed to his injuries.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case on account of some minor dispute amongst neighbours and that, in any case, even as per FIR the petitioner is not attributed any injury and is not even stated to be armed with any weapon and has been falsely implicated simply on account of the fact that he happens to be father of Raju Pandit with whom the deceased had some enmity. Learned counsel has further submitted that, in any case, all the material eye-witnesses already stand examined and, in these circumstances, the petitioner deserves the concession of bail.
4. Opposing the petition, learned State counsel has submitted that the petitioner is specifically named in the FIR and as per the FIR it is the petitioner, who

facilitated the commission of crime inasmuch as he had held the deceased while the co-accused gave knife blows to the deceased. It has thus been submitted that the complicity of the petitioner is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 2 years and 10 months and till date 15 out of cited 27 PWs stand examined.

5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that the petitioner is specifically named in the FIR and is also attributed the role of having held the deceased while facilitating the co-accused to commit the crime by inflicting blows with a knife. However, it is not in dispute that the petitioner was not armed with any weapon. The petitioner as on date has been behind bars for a substantial period of 2 years and 10 months. Material eye-witnesses are already stated to have been examined. The petitioner is stated to be aged about 55 years. In these circumstances, having regard to the aforestated factual position, in my opinion, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

18.8.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No