

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

CRM-M-1183-2022 (O&M)

Date of Decision:- 17.5.2022

Bhola Ram and another

...Petitioners

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. Sandeep Kumar Yadav, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG Haryana  
assisted by ASI Ravi.

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**GURVINDER SINGH GILL, J.**

1. The petitioners seek grant of regular bail in a case registered against them vide FIR No. 251 dated 27.7.2017 under Sections 148, 149, 216, 323, 325, 452, 302, 506 IPC at Police Station Nangal Chaudhary, District Mahendergarh.
2. The FIR was lodged at the instance of Ram Avtar wherein it is alleged that his family has strained relationship with their neighbours on account of a thoroughfare and their agriculture fields. It is alleged that on 27.7.2017 at about 3 a.m. Mohan, Manohar, Ramjilal, Bansi, Deshraj, Ramesh, Jagdish, Vikram, Khayaliram, Bholaram and Devilal armed with sticks entered into complainant's house and gave beating to complainant and complainant's son Sukhram. Sukhram died on the spot on account of injuries so inflicted by the accused persons.

3. The learned counsel for the petitioners has submitted that the petitioners have been behind bars since the last about 4 years and 9 months and that although all the cited 18 prosecution witnesses have been examined but presently the proceedings have virtually been stayed on account of order dated 3.2.2020 (Annexure P-4) passed by this Court, leading to prolonging of agony of the petitioners.
4. On the other hand, the learned State counsel, while opposing the petition, has submitted that since the petitioners are specifically named in the FIR, no case for grant of bail is made out. The learned State counsel has not disputed the fact that the petitioners have been in custody since 26.8.2017 i.e. since the last about 4 years and 9 months and that they are not involved in any other case. It is not in dispute that all the 18 prosecution witnesses already stand examined.
5. I have considered rival submissions addressed before this Court.
6. When an application under Section 319 Cr.P.C. was filed on behalf of the complainant seeking summoning of 8 more accused, the same was dismissed by the trial Court vide its order dated 13.11.2019. The complainant Ram Avtar preferred a criminal revision i.e. CRR No. 343 of 2020 challenging the said order wherein notice of motion was issued and trial Court was directed to adjourn the case beyond the date fixed before this Court. The operative portion of the said order reads as follows :-

“Notice of motion.

On the asking of the Court, Mr. Arjun Singh Yadav, Asstt. A.G., Haryana accepts notice on behalf of the respondent-State. Copy of the paper book has been supplied to learned State Counsel, who seeks time to complete his instructions.

Adjourned to 23.03.2020.

Notices to respondents No.2 to 9 be issued for that date on filing of process fee by the petitioner and notices be also given dasti, if so desired.

In the meanwhile, the trial Court is directed to adjourn the case beyond the date fixed before this Court.”

7. While the aforesaid order was passed about 2 years back, the aforesaid criminal revision is still pending and presently stands fixed for 11.8.2022. Although, the trial has reached at its fag end but on account of order dated 3.2.2020 passed by this Court the same is not proceeding further. In other words, the incarceration of the petitioners is being extended on account of order passed by this Court. The petitioners have been behind bars for a substantial period of about 4 years and 9 months and they are not stated to be involved in any other case. The material witnesses have already been examined. In these circumstances, further detention of the petitioners would not be justified
8. The petition, as such, is accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**17.5.2022**

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**(Gurvinder Singh Gill)**  
**Judge**

Whether speaking /reasoned  
Whether Reportable

Yes / No  
Yes / No