

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-2088-2022

Decided on : 14.03.2022

Ramsawroop

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Shailender Singh Gill, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C.
for grant of regular bail to the petitioner in case FIR No. 98 dated
25.05.2020 under Sections 302, 323, 325, 506 and 34 of the Indian Penal
Code, 1860 registered at Police Station Rajound, District Kaithal.

Learned counsel for the petitioner has submitted that in the
present case, the petitioner is an old person of 72 years of age, who has
no other case registered against him and does not have a criminal
background and has been falsely implicated in the present case. It is
further submitted that as per FIR, the eye witness of the occurrence was
Angrej Singh who had been examined as PW-1 (Annexure P-4) and in
his examination in chief (Annexure P-4), he had stated that he saw some
unknown persons with muffled faces, who had inflicted injuries upon

his father Harikesh and he cannot identify the assailants and that the petitioner and the other co-accused did not cause injuries to his father and that the police had obtained signatures on the blank papers. Further reference has been made to the evidence of PW-2 Raj Kumar, PW-3 Balwan and PW-4 Sunil Kumar who have also not supported the case of the prosecution and have stated that the injuries had been given by some unknown persons. It is contended that the co-accused of the petitioner Rammehar and Dilbag @ Bagga have already been granted the concession of regular bail by a co-ordinate Bench of this Court vide order dated 29.09.2021 and 16.12.2021 passed in CRM-M-19209-2021 and CRM-M-43338-2021 respectively. It is further contended that the petitioner has been in custody since 16.06.2020 and challan in the present case has already been filed and there are as many as 25 witnesses out of whom, 17 witnesses are yet to be examined and thus, the trial is likely to take time, moreso, in view of the present COVID-19 pandemic situation.

Learned State counsel, on the other hand, has opposed the present application for regular bail and has submitted that the injuries that had been caused by the petitioner, as per the FIR, had been proved to be fatal. The other facts are, however, not disputed by learned State counsel.

This Court has heard learned counsel for the parties and has perused the paperbook.

The FIR was got registered by Angrej Singh son of

Harikesh, who has stated that he was the eye witness of the occurrence and he has been examined as PW-1 and in his examination in chief, he has specifically stated that some unknown persons with muffled faces had caused injuries to his father Harikesh with *lathis* and that he could not identify the said assailants and that the accused persons present in the Court through video conferencing on the said date, did not inflict any injuries upon the deceased. Even PW-2 Raj Kumar had stated that the injuries were caused by some unknown persons to the similar effect is the evidence of PW-3 Balwan and PW-4 Sunil Kumar. It is, thus, apparent that all the material witnesses have not supported the case of the prosecution. A co-ordinate Bench of this Court has granted the concession of bail to the sons of the petitioner/co-accused persons namely Rammehar and Dilbag @ Bagga vide order dated 29.09.2021 and 16.12.2021 passed in CRM-M-19209-2021 and CRM-M-43338-2021 respectively. As per the FIR, allegations against the said co-accused were that they had beaten up the deceased with *Lathi*. The petitioner is stated to be an old person of 72 years of age and has no other case registered against him and although, as per the FIR, he is stated to have inflicted one injury on the deceased with a *gandasi* from the reverse side but on account of the aforesaid facts noticed hereinabove and also on account of the fact that the petitioner has been in custody since 16.06.2020 and he is not involved in any other case and the challan in the present case has already been presented and there are as many as 25 witnesses, out of whom 17 witnesses are yet to be

examined, thus, the trial is likely to take time, moreso, in view of the present COVID-19 pandemic situation, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

March 14th, 2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No