

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

CRM-M-1543-2022 (O&M)
Date of Decision:-24.11.2022

Rinku@ Rinku Ram

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Lakhwinder S. Sidhu, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Kuldeep.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.152, dated 21.8.2019, Police Station City Budhlada, District Mansa, under Sections 302, 148 and 149 of Indian Penal Code.
2. The FIR was lodged at the instance of Sita Devi, wherein it was alleged that on 21.08.2019 at about 7.00 a.m., she was sweeping the street in front of her house. It is alleged that Kammo, Nimmo and Aarti were standing in front of the house of father-in-law of complainant and were hurling abuses and fighting with her in-laws family. Upon hearing the noise, the husband of the complainant namely Manga Ram went towards the house of her father-in-law. When he tried to stop the ladies from hurling abuses, Bhinder and Bunty came there. Bunty was armed with iron 'Kapa', whereas Bhinder alias Bhindi was armed with iron 'dagger' (Chhura). It is alleged that Puti raised a

'lalkara', upon which Labh Ram caught hold of Manga from his arms and Bunty gave *'Kapa'* blow in his abdomen and Bhinder alias Bhindi gave *'dagger'* blow on the left side of chest of Manga Ram. It is alleged that Nimmo, Aarti, Kammo, Labh Singh and his wife Puti caught hold of Manga and dragged him inside their house. Rinku Ram, husband of Nimmo gave hockey blow to Manga Ram and Bhinder gave more *'dagger'* blows on the left side of abdomen and backside and near his right nipple. Thereafter, all the accused ran away along with their respective weapons. Manga Ram was taken to Civil Hospital, Budhlada but he succumbed to his injuries.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that the allegations as levelled in the FIR as regards attribution of a blow with hockey stated to have been inflicted by the petitioner to the deceased is not borne out from medical evidence, inasmuch as all the five injuries found on the deceased are in the nature of stab injuries and there was no such injury, which could be said to have been inflicted with the help of a hockey stick. Learned counsel has further submitted that, in any case, the petitioner has been behind bars since the last more than 3 years and since the trial is proceeding at snail's pace, he is entitled to be released on bail.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and had inflicted a blow with hockey to the deceased, he cannot escape from his liability even if he is not attributed the fatal blow as he had shared a common object with the co-accused so as to murder the deceased. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 3 years and 2 months and is otherwise is not involved in any other

case. It has also been informed that as on date 5 PWs out of the cited 29 PWs have been examined.

5. This Court has considered the rival submissions.
6. Without expressing anything as regards merits of the case but while noticing that the petitioner has been behind bars for a substantial period of more than 3 years and 2 months and conclusion of trial is likely to consume time inasmuch only 5 PWs out of the cited 29 PWs have been examined so far, 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.

24.11.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No