

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

CRM-M-8865-2022 (O&M)
Date of Decision:-14.7.2022

Singh Ram ... Petitioner

Versus

State of Haryana and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Parvinder Singh, Advocate for the petitioner.

Mr. Krishan K. Chahal, Addl.A.G., Haryana.

GURVINDER SINGH GILL, J.(Oral)

CRM-14372-2022

In view of the reasons mentioned in the application, the same is allowed and Lakhbir Singh son of Jasmer Singh resident of Village Begomajra, Police Station Ambala Sadar, District Ambala, Haryana is ordered to be impleaded as respondent No.2/complainant. The amended memo of parties annexed with the application is taken on record.

CRM-14373-2022

In view of the reasons mentioned in the application, the same is allowed and the documents annexed with the application are taken on record as Annexures A-1 and A-2 subject to all just exceptions.

CRM-M-8865-2022 (Main Case)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.68 dated 12.4.2021, Police Station Sadar Ambala, District Ambala, under Sections 302, 323, 506 and 34 of Indian Penal Code, wherein offence under Section 302 IPC was added later on.
2. The FIR in question was lodged at the instance of Lakhbir Singh, wherein it is alleged that on 12.4.2021 in the evening, he had brought fodder in a trolley and was unloading the same in his 'barra'. It is alleged that Nirmal Singh and Nirmail Singh, both sons of Singh Ram, came there and started hurling abuses. While Nirmal Singh was carrying a 'Tangli' (wooden pronged spade used for handling fodder), Nirmail Singh is alleged to be carrying a 'gandasi'. Both the said persons attacked complainant's father Jasmer Singh, who was also present there. While Nirmal Singh is stated to have inflicted an injury with 'Tangli' on the head of complainant's father, Nirmail Singh is alleged to have inflicted an injury on the eye and head of complainant's father with the help of 'gandasi' from its reverse side, which he was carrying. It is alleged that the aforesaid persons had been entering into a fight with them in the same manner every season. It is further the case of prosecution that on account of receipt of the aforesaid injuries, the complainant's father succumbed to his injuries on 21.4.2021.
3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case solely on account of the fact that he happens to be father of the co-accused Nirmal Singh and Nirmail Singh and that even as per the FIR, he was never found or alleged to be present at

the spot. It has further been submitted that the petitioner, who is aged about 74 years, has a clean record and has been behind bars since the last more than 8 months and since challan already stands presented, he is not required to be detained for any purpose.

4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that although the petitioner on account of inadvertence was not named in the FIR but subsequently the complainant made a supplementary statement regarding the presence of petitioner at the place of occurrence while carrying a '*khunda*' (a long wooden stick).
5. Learned counsel for the complainant has vehemently argued that it was on account of the influence exercised by the accused that the petitioner was not named in the FIR by the police and that when the matter was thoroughly investigated by Special Investigating Team (SIT), the truth came out and it was found that the petitioner was also present at the spot and was carrying a '*khunda*' and consequently a supplementary challan was presented against him.
6. Learned State counsel has, however, not disputed that the petitioner is aged more than 70 years and has been behind bars since the last more than 8 months and is not involved in any other case.
7. I have considered rival submissions addressed before this Court.
8. It is not in dispute that the petitioner is nowhere named in the FIR. It is also borne out that subsequent to presentation of challan against the other 2 co-accused i.e. against the sons of petitioner, the complainant had moved an application to the police alleging presence of the petitioner, but the same was

inquired into and it was found that the petitioner was not present at the spot as would be borne out from the report dated 19.6.2021 (Annexure P-2). Subsequently, another application was made by the complainant alleging that the petitioner is involved in the occurrence, which was also inquired into by the police and vide report dated 21.8.2021 (Annexure P-3), it was found that the petitioner had no role in the occurrence in question. It is thereafter that the matter is stated to have been referred to SIT, which found the presence of the petitioner at the place of occurrence. Even, as per the findings of SIT, no overt role is attributed to the petitioner.

9. The petitioner is an aged person, who is stated to be aged more than 70 years and has a clean record. In any case, the petitioner has been behind bars since the last more than 8 months. Keeping in view the aforesaid facts particularly that no injury whatsoever is attributed to the petitioner, no useful purpose will be served by detaining the petitioner behind bars any longer. 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.
10. It is, however, clarified that any observations made above shall not have any expression or bearing on the main case or on the case against the co-accused.

14.7.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No