

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-26361-2022

Date of Decision:-08.08.2022

Om Parkash.

.....**Petitioner.**

Versus

State of Haryana.

.....**Respondent.**

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Aman Dhir, Advocate for the Petitioner.

Mr. Praveen Kumar Aggarwal, DAG Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition is for the grant of regular bail under Section 439 Cr.PC in case FIR No.107 dated 14.04.2022 under Sections 323, 324, 34, 341, 506 IPC (Sections 326/201 IPC added later on) registered at Police Station Kaithal Sadar, District Kaithal.

The present FIR came to be registered at the instance of Krishna Devi who submitted that she was household lady. ON 14.04.2022 in the morning she along with her husband Birbhan went to the fields to fetch stubble. At that time Charan Singh son of Santokha came and started abusing her and her husband and on this both of them came back. When her husband went to the pond along with the buffalo then Charan Singh, Om Parkash , Madan sons of Santokha came along with their respective weapons dragged her husband into the street and started giving beatings to him with *Gandasis* and *dandas*. On hearing the clamor she along with her son Pardeep reached at the spot and the aforementioned three persons gave abuses and threatened to kill and thereafter ran away with their respective weapons.

The Counsel for the petitioner *inter alia* contends that no

specific injury has been attributed to the petitioner. However, on the arrest of the co-accused Charan Singh he suffered disclosure statement stating that the petitioner had given slaps and fist blows to the injured namely Birbhan and Charan Singh is the accused who has been attributed injuries attracting Section 326 IPC. He further contends that the co-accused of the petitioner namely, Madan Lal had been granted the concession of interim anticipatory bail by this Court vide order dated 19.05.2022. He contends that the petitioner is in custody since 25.04.222 and none of the 07 prosecution witnesses have been examined so far and, therefore, the further incarceration of the petitioner is not required.

The Counsel for the State on the other hand contends that the manner of occurrence and the nature of injury caused on the person of the injured does not entitle the petitioner to the grant of bail. He however, does not dispute the factual position about the period of custody undergone by the petitioner, stage of trial as also the role attributed to the petitioner.

I have heard learned Counsel for both the parties at length.

Admittedly, the petitioner is in custody since 25.04.2022. No specific injury has been attributed to the petitioner, other than him and his co-accused Madan Lal causing slaps and fist blows on the person of the Birbhan. Since none of the prosecution witnesses have been examined so far, therefore, the trial in the present case is not likely to be concluded in near future. Thus, the further incarceration of the petitioner is not required.

Thus, without commenting on the merits of the case, the petition is and the petitioner-**Om Parkash** son of Sh. Sadokha is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 08, 2022
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>