

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31860-2021 (O&M)
Date of decision: 29.03.2022

Pappu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Saurabh Dalal, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.27 dated 25.01.2020 under Sections 147, 148, 149, 302, 452, 325, 506, 120-B IPC, registered at Police Station IMT, Rohtak.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of Sunil Kumar, a plot measuring 10 square yards was allotted to her parental uncle Sultan about 20-25 years ago by the panchayat and one plot was in the name of his cousin Shribhagwan, however, Vinod, Sonu, Rashi, Suraj Bhan, Kartare, Rajinder, Sanjay and Jai Bhagwan are in unauthorized possession of the said plot and a civil litigation was decided in favour of the complainant, but the aforesaid accused persons have not vacated

the possession. When his uncle tried to take possession of the plot, the accused persons raised a quarrel. On 24.01.2020, all accused persons have demolished the boundary wall and again tried to pick up a quarrel. Again the complainant party, when was having meal at their house, the aforesaid persons including the petitioner, armed with their respective weapons, came to their house and opened an attack. It is further stated that Sandeep, petitioner Pappu, Mukesh, Ashok and Rahul caused injuries on head of his father Ram Chander, who died on the spot, whereas Gita and Meenakshi caught hold of him. It is also stated that Naveen, Monu, Kaptan, Rahul, Sanjay, Kuldeep, Ravi and Golu had caused injuries to him (complainant Sunil Kumar).

Learned counsel further submits that except for showing presence of the petitioner armed with a Ballam, there is no allegation that he was either actively participated in causing injuries to deceased father of the complainant or to the complainant or to his brother Anil or his mother Phulwati and his wife Kavita. It is also submitted that the petitioner is in custody for the last 02 years, 01 month and 29 days and is not involved in any other case and one of his co-accused, namely Mukesh, has already been released on regular bail.

Learned State counsel has filed the custody certificate dated 28.03.2022 in the Court today and on the basis of reply by way of affidavit of Deputy Superintendent of Police, Rohtak, could not dispute the factual position, as in para No.2 of the affidavit, after verifying the facts of the FIR, it is nowhere stated that the petitioner is attributed any injury to either of the deceased or to any of the injured witnesses.

After hearing learned counsel for the parties, without commenting

anything on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

29.03.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No