

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

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**CRM-M-29582-2022(O&M)
Date of decision: 18.07.2022**

SANDEEP

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Shivansh Malik, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.27 dated 25.01.2020 under Sections 147, 148, 149, 302, 323, 452, 506 and 120-B of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') registered at Police Station IMT, District Rohtak (Section 325 IPC added later on).

The instant FIR was registered on the statement dated 25.01.2020 made by Sunil Kumar son of Ram Chander, who reported that about 20-25 years back, a plot measuring 100 sq. yards was allotted by Gram Panchayat to his tau/uncle Sultan son of Hardeva and a deed in this regard was executed in favour of his uncle Sultan. Another plot was allotted to Shri Bhagwan son of Sultan and a deed in this regard was also executed in his (Shri Bhagwan) favour. However, Vinod son of Munshi, Sonu son of Raj Kumar, Rashi, Suraj Bhan son of Pale, Kartare son of Lakhi Ram, Rajinder son of Ram Sarup, Sanjay son of Roop Chand and Jai Bhagwan son of Roop Chand are in unauthorized possession of the said plots. He further alleged that though civil litigation has been decided in their

favour, yet Vinod son of Munshi, Sonu son of Raj Kumar, Rashi, Suraj Bhan son of Pale, Kartare son of Lakhi Ram, Rajinder son of Ram Sarup, Sanjay son of Roop Chand and Jai Bhagwan son of Roop Chand have not delivered the vacant possession of the plots to them. Whenever, his uncle tried to take possession of the same, the accused persons quarreled with him. On 24.01.2020, Arun son of Jagdish, Vinod son of Munshi, Ram Kishan and Krishan sons of Balpat, Mahinder and Ravinder sons of Krishan, Sonu, Naveen and Monu sons of Ram Kishan, Rahul son of Chander Bhan, Pappu and Rajesh sons of Niyadare, Rahul son of Naresh, Rajesh and Rajeev sons of Laxman, Deepak and Neeraj sons of Ram Niwas, Shila wife of Laxman, Meenakshi, Amrita wife of Jai Bhagwan, Geeta wife of Vinod, Amit son of Ram Kishan, Kamla wife of Jagdish, Rekha wife of Mahinder, Mukesh and Rakesh sons of Ram Mehar, Amit son of Ram Kishan, Salender and Jitender came to the spot armed with weapons and demolished the boundary wall, raised over the said plots and tried to pick up a quarrel. On that day, at around 8.30/9.00 a.m., when they (complainant party) were taking meals in the house, Sandeep son of Jagdish armed with Farsa, Rahul son of Naresh armed with axe, Mukesh son of Ram Mehar armed with Farsa, Rajesh son of Niyadre armed with getti, Pappu son of Niyadre armed with Ballam, Deepak son of Ram Niwas armed with iron pipe, Surender son of Jai Singh armed with lathi, Salender son of Munna armed with Gandasi, Ashok son of Raje armed with lathi, Meenakshi armed with Gandasi, Amrita wife of Jai Bhagwan and Ravinder armed with axes, after making preparation for causing hurt and with intention to kill them, opened attack upon them. A murderous attack was made upon him (complainant), his brother Anil, his mother Smt. Phulwati and his wife Kavita. Accused Sandeep son of Jagdish, Ravinder son of Krishan, Pappu son of Niyadre,

Mukesh son of Ram Mehar, Ashok son of Raje, Rahul son of Naresh and Rahul son of Chander Bhan caused injuries on the head of his father Ram Chander as well as other parts of his body, as a result of which his father died on the spot. Accused Gita wife of Vinod and Meenakshi had caught hold of his father. Naveen son of Ram Kishan, Monu, Kaptan, Rahul, Sanjay Chowkidar, Kuldeep son of Raghbir, Ravi wife of Ramesh and Golu son of Satish had caused injuries to him on his head, hands, feet and back, with intention to kill him. While leaving the spot, the assailants threatened to kill all the members of the complainant party. During investigation, the petitioner was arrested.

Learned counsel for the petitioner *inter alia* contends that even though the incident in question is stated to have taken place on 24.01.2020 however, the petitioner was named on 25.01.2020. He contends that the allegations against the petitioner is that he was wielding a *farsa* however there is no specific injury that is attributed to the petitioner. Even otherwise as per the postmortem report, the deceased had died on account of impact of an injury on his skull, which was a result of use of a blunt weapon. He contends that a similarly placed co-accused Mukesh has already been granted the concession of regular bail in CRM-M-3461-2022. It is also urged that the *farsa* has also been recovered from the said co-accused and that the petitioner is not involved in other case. He submits that the petitioner was arrested on 27.01.2020 and is in custody for nearly 02 years and 06 months. He contends that even though the charge was framed on 21.03.2022, no witness has been examined so far and that there are 33 prosecution witnesses to be examined.

Per contra, learned State counsel has contended that the petitioner was involved in the commission of offence and was armed with a *farsa* and his

name was duly reflected in the statement of the witnesses recorded on 25.01.2022. He however could not controvert the period of custody undergone by the petitioner and that the similarly placed co-accused Mukesh having been granted the concession of regular bail vide order dated 08.04.2022 and also could not dispute the fact that the petitioner is not involved in any other case.

I have heard learned counsel for the parties and have perused the material on record.

Taking into consideration the circumstances referred to above including the period of custody and the recovery and the cause of death and also the concession of bail having been granted to the similarly placed co-accused, I deem it appropriate to enlarge the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

July 18, 2022

S.Sharma(syr)

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