

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

231

CRM-M-31279-2022

Date of Decision: 26.07.2022

Illu Sharma @ Babbar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ajay Kumar Rana, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Balraj.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.38 dated 15.02.2021 at Police Station Sadar, District Kaithal, under Sections 148/149/302/506 IPC (Sections 201/120-B IPC added later on).
2. The FIR was lodged at the instance of Krishan Dutt, wherein he has stated that a land dispute is going on between him and his nephew Sandeep on one side and sons of his elder brother Hari Kishan, namely, Ram Bhagat and Ram Mehar on the other side. It is alleged that on 14.02.2021, when he was present at his house, he received a telephone call from his nephew Sandeep, who informed him that Ram Bhagat and Ram Mehar alongwith their wives as well as sons of Ram Bhagat were present near the fields and that he (Sandeep) suspected that they were going to cause injuries to him. Shortly thereafter, Sandeep called the

- complainant informing him that the said persons had surrounded him and asked the complainant to reach there immediately. The complainant immediately reached at the fields where he saw that Anita, Rekha, Vikram and Mili had surrounded and caught hold of Sandeep. Ram Bhagat and Ram Mehar, who were armed with *gandas*, inflicted blows with the same to Sandeep on his face and head. Immediately, at that point of time, Ram Mehar @ Manohar and his brother-in-law accompanied by 3/4 persons, who were all armed with *lathis*, rushed towards the complainant. Manohar exhorted his companions to kill Sandeep and also the complainant being the root cause. Pursuant thereto, brother-in-law of Ram Mehar @ Manohar alongwith 3/4 persons rushed after the complainant, who rescued himself by entering into his house and shutting the gate.
3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and is being nominated as an accused on the premises that he is brother-in-law of Ram Mehar @ Manohar. It has further been submitted that even if for the sake of arguments, it is taken to be correct that he was present at the spot and that he is brother-in-law of Ram Mehar, still the only role attributed to him is that he was armed with a stick and had rushed after the complainant. It has been submitted that there is nothing in the FIR to show that he had surrounded or attacked the deceased in any manner.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically referred in the FIR being the brother-in-law of the main accused Ram Mehar, who had inflicted blows with the *gandasi*

to the deceased, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year & 5 months and that he is not involved in any other case. It has also been informed that as on date only 4 PWs out of cited 37 PWs have been examined.

5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner is not amongst the main accused and the role attributed to him is that he was carrying a stick and had rushed after the complainant carrying a stick and while also noticing that the petitioner has been behind bars for the last about 1 year & 5 months and otherwise has a clean record, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time inasmuch as only 4 PWs out of cited 37 PWs have been examined so far. 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.

26.07.2022

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**