

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

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**CRM-M-40649-2022
Decided on : 12.09.2022**

Chandi Ram

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Raj Kapoor Malik, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

SANJAY VASHISTH, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner – Chandi Ram, who has been booked for having committed the offences punishable under Sections 148, 149, 323, 341, 506 of IPC 1860 (Sections 325, 302 of IPC added later on), in FIR No. 224, dated 20.11.2021, registered at Police Station Titram, District Kaithal, during the pendency of trial.

Learned counsel for the petitioner submits that petitioner, who is 76 years of age, has been dragged in the case in hand, unnecessarily, it being a family dispute. Both the sides have common ancestors, and the dispute in the present case has arisen on account of a plot. He further submits that in the version of FIR No. 224, dated 20.11.2021, name of petitioner is not mentioned at the first instance, and false implication of the petitioner is clear from the fact that incident took place on 20th November, 2021, in the broad day light and injured Rattan Singh expired on 21.11.2021. It is, thereafter, that name of the petitioner is dragged in the present case by way of recording statements of injured witnesses under Section 161 Cr.P.C.

Learned counsel for the petitioner further submits that injury attributed in the latter part of the statement against the petitioner is of causing lathi blows to Anil and Sunder, who suffered injuries covered under Section 325 IPC. Learned counsel for the petitioner submits that thus, based upon the complete set of allegations, petitioner is not attributed of causing any injury to the deceased. He further submits that there are six persons, who are injured from the side of family of the petitioner also, and thus, it is a case of version and cross-version. Since suffering of injuries by the petitioner's party, has not been elaborated in the FIR, genesis of the incident has also been concealed. He further submits that there are fairly arguable points during the course of the trial showing the innocence of the petitioner. He further submits that, further incarceration of the petitioner is not worth in this case.

Per contra, learned State counsel while opposing the arguments raised by learned counsel for the petitioner, submits that looking at the totality of the facts and circumstances and gravity of offences, concession of bail to the petitioner should not be extended, as it is a case of gruesome murder and facts mentioned in the FIR cannot be considered as a complete encyclopedia. Undoubtedly, name of the petitioner has come up after the death of injured Rattan Singh, but name of the petitioner has been mentioned in the statements of the injured witnesses recorded under Section 161 Cr.P.C., and therefore, appears to be truthful also.

Regarding the state of trial, learned State counsel submits that out of 21 prosecution witnesses cited, till date 03 have already been examined and next date fixed before the trial Court is 21st September, 2022.

However, he could not deny the fact that there is cross-version in the shape of FIR No. 225, dated 20.11.2021, lodged under Sections 148, 149, 323, 325, 506 of IPC, registered at Police Station Titram, District Kaithal, against the injured/complainant party of this case. There is also no denial to the

fact that petitioner is inside jail since 29th November, 2021 and except the present case, petitioner is not involved in any criminal activity.

After considering the submissions of both the sides, and perusing the record with their able assistance, I find that there is substance in the contentions raised by the counsel for the petitioner. Petitioner, is 76 years old person and no purpose would be served by keeping the petitioner inside jail for an indefinite period, especially, when only 03 prosecution witnesses out of 21 prosecution witnesses, have been examined so far. Moreover, it is also conceded position that petitioner has not been alleged of causing any injury to the deceased Rattan Singh.

Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

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 here-in-above 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 evidence available on record.

(SANJAY VASHISTH)
JUDGE

September 12, 2022
J.Ram

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