

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

CRM-M-45233-2021 (O&M)
Date of Decision: February 08, 2022

RISHI PAL Petitioner(s)

Versus

STATE OF HARYANA Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Pankaj Sharma, Advocate
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

This is petitioner's third petition seeking bail pending trial in FIR No.126, dated 21.04.2019 under Sections 148, 149, 302, 452, 323, 324, 120-B IPC and 25-54-59 of Arms Act, registered at Police Station Nissing, District Karnal. First petition for bail pending trial was dismissed as withdrawn on 15.10.2020. Thereafter, petitioner filed CRM-M-30626-2021 seeking interim bail on account of a critical cardiac problem, which he was suffering from. Vide order dated 06.08.2021, petitioner was released on interim bail for six weeks to avail proper medical facility and treatment as it was found that proper treatment was not being made available to the petitioner. Interim bail was extended. Petitioner ultimately surrendered on 12.10.2021 and has been in custody since then.

Present petition has been filed seeking bail in the above said FIR on the ground that apart from the fact that petitioner was not named in the FIR and was sought to be inculpated on a supplementary statement of the complainant and a disclosure statement of the co-accused, namely Satish, the complainant and his wife have not supported the prosecution version before the learned trial Court.

Brief facts necessary for adjudication of this petition are that FIR No.126 dated 21.04.2019 was registered on the basis of statement of Rajesh son of Prem Pal to the effect that he was an agriculturist and there was a dispute regarding property between him and one Satish son of Satpal and Sita Mai, in regard to which the matter was pending before the High Court on 08.05.2019. It is stated in the FIR that proceedings for settlement of the family dispute between the complainant and Satish Kumar etc. also took place on 19.04.2019 but Satish held a grudge and with a view to seek revenge, wanted to get rid of the complainant and his family and on 20.04.2019 complainant's relative namely Nafe Singh, Ravi, Parveen and Rohit had come to meet him. Satish in conspiracy had called one Ajit, Lila and Dhola sons of Karam Singh, Amit @ Boss son of Dharampal and 10 – 15 other young boys as well as Ravinder on a vehicle ECCO bearing registration no.HR-08-W-8574 and on 2 – 3 motorcycles. Satish, Ram Phal and above named persons as well as 10 - 15 young boys in conspiracy with Ram Phal and family members of Satish, armed with sharp edged weapons and iron rods are alleged to have entered the complainant's house and attacked him and his family in the evening of 20.04.2019. Due to injuries received, Nafe Singh and Ravi died at Government Hospital, Karnal, while Parveen and complainant's wife Reena were admitted in the hospital for treatment having received injuries.

Learned counsel for the petitioner reiterates that petitioner was not named in the FIR. No active role has been attributed to him and moreover, complainant and his wife (injured) have not supported the prosecution version. While referring to their statements recorded before the learned trial Court, annexed as Annexure P-6 with this petition, it is stated that both of them have specifically stated that present petitioner never raised any dispute with them and neither caused any injury on the person of Nafe Singh, Ravi, Parveen, Rohit or Reena. Complainant and his wife have been declared hostile. Petitioner, it is submitted, remained in custody for over 02 years and 07 months and is not involved in any other criminal case. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State verifies that petitioner has been involved in this matter on the basis of a supplementary statement of the complainant besides a disclosure statement of the co-accused Satish and has not been named in the FIR. Furthermore, no active role has been attributed to the petitioner even in the supplementary statement or the disclosure statement of the co-accused. Learned counsel for the State is further unable to deny that the complainant as well as his wife (injured) have not supported the prosecution version and have categorically stated that petitioner never raised any dispute with them and did not cause any injury either to the deceased or the injured persons. Learned counsel for the State, on instructions from SI Ajaib Singh verifies that petitioner is not involved in any other criminal case.

There is no allegation that the petitioner is likely to abscond or influence witnesses. Trial in this case is not likely to be concluded in the near

future. No useful purpose would be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. Petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

08.02.2022

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No