

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.41545 of 2022

Date of Decision: December 09, 2022

Rahul @ Kaju

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.K.Verma, Advocate,
for the petitioner.

Mr.Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.04 dated 05.01.2018, under Sections 148, 149, 302, 307, 323, 324, 325, 326 and 506 (II) IPC, 1860, registered at Police Station, Julana, District Jind, who is in custody since his arrest on 07.01.2018.

The contents of the FIR as noticed by the Additional Sessions Judge, Jind in para 3 of his order dated 30.05.2022 while dismissing the bail application of the petitioner, read as under:-

“3-Initially the present FIR No.04 dated 5.1.2018, Police Station Julana has been registered under Sections 323, 324, 307, 506,148 and 149 of the Indian Penal Code, 1860 on the statement of Baljeet son of Ram Kumar, aged 45 years (since deceased), resident of Ward No.13, Line Paar, Julana, wherein, he has stated that:

“ He is resident of above said address and is a labourer. He is having three sons. About 5/6 months ago, his neighbourer's son namely Deepak son of Sanjeev alias

Pappu had eloped the wife of his youngest son Lalit, namely Kusum. After about one month, they both came back and they still have compromised the matter in this regard in the Panchayat. His daughter-in-law Kusum started residing at their (complainant) residence and Deepak and his family started residing at Rohtak. Yesterday, i.e. on 4.1.2018, Deepak along with his associates Bunty and 2/3 others had come to his (Deepak) house at Julana. In the night, Deepak started calling Kusum and other members of his (complainant) family with bad names and to whom he tried to make understand. On the same issue, today i.e. 5.1.2018 at about 2.00 PM, a panchayat was convened opposite the shop of Kartar. When he and his son tried to make understand Deepak and his family members namely Bunty son of Sanjeev alias Pappu, Sanjeev alias Pappu s/o Ved Parkash, Sanjay, Sushil alias Kuka sons of Ved Parkash, Kaju alias Rahul son of Pinki alias Krishan and Pinki alias Krishan s/o Ved Parkash, Ajay s/o Pinki alias Krishan and Toni s/o Goga all residents of Ward No.13, Julana and 2/3 others, but they at once got infuriated and in connivance with each other they brought Chhura, Sword, Rod and Dandas already kept in the shop of Pinki alias Krishan, in their hands and they started giving beatings to his sons Sumit and Sachin with dandas, rod and Chhuri. When he and Monu son of Satbir, intervened, then Rahul son of Krishan alias Pinki gave two Chhuri blows in his stomach and Bunty gave iron rod blow on his foot and remaining others caused injury to him with slaps, fists and dandas. Above said persons had also caused many injuries to his sons Sachin and Sumit and neighbour Monu with Chhuri, rod and dandas and they will explain about their injuries on their own. Thereafter, people from the neighbourhood had rescued them, otherwise they would kill them. All the

accused ran away from the spot by giving the threat to kill them. His other family members and relatives had shifted them to Government Hospital, Julana, for treatment, from-where doctor had referred them to PGIMS, Rohtak, on seeing their condition and they are getting treatment. All the above said persons in connivance with each other had illegally caused injuries to them. He requested to take legal action”.

Learned counsel for the petitioner has argued that the petitioner is in custody for the last more than three years, but the trial has not concluded as only eight prosecution witnesses have been examined so far out of total twenty two witnesses. He submits that the co-accused of the petitioner has already been released on bail and apart from this, it is pointed out that the injured witnesses have not supported the prosecution case. In this regard, he has invited the attention of the court to deposition of such witnesses and the order granting bail to the co-accused. He prays for bail.

The prayer is opposed by the learned State counsel on the ground that the offence is serious and the petitioner is one of the accused persons, who inflicted knife blows to the victim. It is further pointed out by the learned State counsel that the occurrence took place on 04.01.2018, whereas the victim died on 11.11.2018 as he remained under treatment for a long time and in his statement, victim had specifically named the petitioner as one of the assailants.

After hearing the learned counsel for the parties and considering above submissions, this court is not inclined to extend the concession of regular bail to the petitioner, who, as per prosecution inflicted injuries upon the deceased. Since the evidence is to be considered collectively at the final stage of the trial, therefore, the argument that the

material witnesses have been examined would not be significant for extending the concession of regular bail to him.

Dismissed.

However, considering the custody of the petitioner, the trial court is directed to expedite the trial by concluding it preferably within six months.

December 09, 2022
ramesh

(MANOJ BAJAJ)
JUDGE

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

