

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-51098-2021 (O&M)

DATE OF DECISION: MARCH 29, 2022

BIJENDER

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. YASHVEER KHARB, ADVOCATE FOR THE PETITIONER.
MR. VIKRANT PAMBOO, DAG, HARYANA.
MR. VIKAS GULIA, ADVOCATE FOR THE COMPLAINANT.

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.245 dated 13.7.2021, under Section 148, 149, 323, 341, 506 IPC (Final report under Section 34, 307, 323, 325, 341, 506 IPC) Police Station Israna, District Panipat, who is in custody since his arrest on 11.8.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Panipat, in the order dated 26.11.2021, are as under:-

“Briefly, the facts of the prosecution case are that on 11.07.2021, an information has been received through telephone that Ram Singh, son of Parlada got admitted in Ravindra Hospital after sustaining injuries in a fight. On this information, IO reached Ravindra Hospital where family members of injured told him that they would move the complaint after some time. On 12.07.2021 and 13.07.2021, IO again reached Ravindra Hospital and received the opinion of doctor. Doctor opined the injured not fit for statement. On 13.07.2021, IO Ramesh Kumar

was present in the police station. Deepak, son of Ram Singh came to the police station and moved a complaint to the extent that he and his father were going from their agriculture field to another agriculture field along with crop of paddy. They reached at puliya of village and he alighted from the tractor for going to his house. His father went to stay in agriculture field. Thereafter, Sukhbir along with Bijender, Sudhir, Sunny and Sanjay stopped their motor-cycle in front of the tractor of his father. They put down his father from the tractor and gave beatings to him with iron rod, danda and bamboo stick. In the meantime, one person informed him about the said incident. He went to the place of occurrence. When he was on the way, he saw that the said five persons were coming on two motor-cycles. They saw him, slowed their motor-cycle and said that they killed his father. He saw that pillion rider Bijender was having iron road and binda in his hand and another motorcycle was driven by Sunny along with pillion rider Sanju and Sudhir. Sanju was having two bamboo stick in his hand and Sudhir was having one bamboo stick in his hand. All the weapons were soaked in blood. The said accused committed the said offence as they had taken .50,000/- from them on account of cultivating crops of sugarcane. They lingered on the payment under one pretext or the other. He and his father had gone to their houses for demanding money. His nephew Devvart also accompanied them to the house of accused. Accused Sukhbir and his daughter had threatened them of dire consequences for convening the panchayat. Keeping the afore-said grudge, they attacked his father with the intention to kill him and gave injuries to his father. Thereafter, he reached near his father and found that

blood was oozing out of his nose, ear and head. Thereafter, he called his brother Devvarth there. They shifted his father to Ravindra Hospital, Panipat.”

Learned counsel for the petitioner has argued that in the alleged occurrence both the sides had suffered injuries and the injury inviting the offence punishable under Section 307 IPC is attributed to co-accused, namely, Sukhbir. He submits that the injured was taken to the hospital by his son, namely, Deepak wherein it was disclosed that injuries to his father were caused by unknown persons, whereas while giving his statement for registration of the FIR, he has named the accused persons. Learned counsel has drawn the attention of the Court to the FIR (Annexure P-5) to contend that at the instance of the accused, a cross-case has also been registered against the other side. He prays for bail.

On the other hand, learned State counsel assisted by ASI Amrit Lal while opposing the prayer has stated that the charges were framed on 24.2.2022, but till date no prosecution witness has been examined. According to him, the injured remained in the hospital for a period of six days and the injury which was declared dangerous to life was attributed to the co-accused.

Considering the above background, the custody of the petitioner, and the fact that trial is yet to commence as no prosecution witness been examined so far, the further detention of the petitioner may not be necessary for any useful purpose, as the trial would take considerable time to conclude. The material witnesses are either the police officials or the close relatives and at present there does not seem any possibility of their

being won-over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

March 29, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No