

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

Criminal Misc. No.M-54331 of 2021(O&M)

Date of Decision: April 08, 2022

Naresh @ Naresh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.R.N.Lohan, Advocate for the petitioner.

Mr.R.K.Singla, DAG, Haryana.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.173 dated 29.07.2020 under Sections 302, 506, 34 IPC, Police Station Sadar Narwana, District Jind.

The case was registered on the statement of Sandeep s/o Balwan, who stated that his father are three brothers i.e. his father Balwan, younger to him Ramesh and youngest is Rajpal. On 28.07.2020 at about 11.00 AM, the complainant tethered his cow near the house of his uncle Manipal in the street. After some time he came to know that the cow was untied by Ramesh s/o Inder and it was let off by him. Thereafter, the complainant and his father again tethered the cow at the same place. Naresh (petitioner) started abusing them. Mukesh, his wife, his son Ankit also reached at the spot and started abusing and manhandling them. The neighbours intervened and saved them. After some time his uncle Rajpal and his wife Pinki were alone in the street. Naresh s/o Inder, Ankit s/o Mukesh, wife of Mukesh came there in the street. Naresh was having a *lathi*

in his hand. Ankit was having *gandasi* in his hand. All of them caught hold his uncle and started beating him. Ankit gave a *gandasi* blow on the head of his uncle near his left ear. He inflicted another *gandasi* blow on the left arm of his uncle. The wife of Naresh and Mukesh caught hold his uncle. Naresh (petitioner) gave a lathi blow on the back and the arms of his uncle. His aunt tried to rescue his uncle. On hearing the noise, neighbours came there on which all the assailants ran away from the spot along with their weapons. Injured Rajpal was taken to Government Hospital, Narwana, from where, he was referred to PGIMS, Rohtak. On 29.07.2020 at about 4.30 AM, he succumbed to the injuries.

Ld. counsel for the petitioner states that the petitioner has been behind bars since 31.07.2020. The material witnesses of the prosecution, alleged to be eye-witness to the occurrence – PW1 (complainant), PW2 (Pinki) and PW3 (Satish) have already been examined and they have not supported the version of the prosecution. Reference has been made to their statements Annexures P-1 to P-3, wherein, they have been declared hostile.

In view of the above, without expressing any opinion on the merits of the case, this petition is allowed. The petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

April 08, 2022

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No