

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

CRM-M-1007-2023 (O&M)
Date of Decision: 24.03.2023

Bansi Lal

...Petitioner

Versus

State of Haryana

...Respondent'

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Deepak Chaudhary, Advocate
for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

NAMIT KUMAR, J. (ORAL)

CRM-4797-2023

Application under Section 482 Cr.PC for adding Section 506 IPC along with other sections in the headnote and prayer clause as well as of the petition by amending the same, has been filed.

In view of the averments made therein, same is allowed. Prayer is accepted. Section 506 IPC is permitted to be added in the headnote and prayer clause of the petition. Office to do the needful at appropriate place.

CRM stands disposed of.

Main case

Petitioner has filed the instant petition under Section 439 Cr.P.C seeking regular bail in a case FIR No.209 dated 25.08.2022 (Annexure P-1) under Sections 147/149/341/323/452/295-A/379-B/506 IPC, 1860 registered at Police Station Sadar Tohana, District Fatehabad.

Learned State counsel has filed the status report dated 23.03.2023, which is taken on record. Copy thereof has been supplied to the counsel for the petitioner.

The case of the prosecution is that FIR was registered on the complaint of Gurnam Singh son of Hardeep Singh, Resident of Chader Kalan, Tohana. Complainant asserted in the complaint that complainant used to get sweets etc. prepared for marriage and other family program from Satta Halwai and now a few days ago, complainant got twin grand-daughters and on account of happiness on account of birth of aforesaid grand-daughters, complainant had organized a program in his house. Complainant further asserted in the complaint that in the aforesaid program, complainant called other Halwai, due to which aforesaid Satta Halwai started keeping animosity with complainant and on 25.08.2022, school students and parents had staged a Dharna (Protest) in front of the school of Village Chandad Kalan and complainant was going to his field from his house and then complainant got stood for some time on the shops near Dharna site, then Satta and his aforesaid other associates by taking the advantage of Dharna started abusing with complainant on the issue of money transaction and also started beating complainant and Satta Halwai by holding the beard of complainant, torn it and complainant's family members also came to know about this incident. Complainant further asserted in the complaint that upon which complainant's son Prem Pal hurriedly took out complainant's 12 bore licensed gun kept in the house, came on the motorcycle no.HR-23-F 2963 for complainant's security and accused Vicky son of Kala and Prem caught hold of complainant's son and all the accused persons started beating him with lathies and dandas and after making him injured, accused Prem snatched motorcycle from complainant's son and accused Vicky Son of Surjit also snatched complainant's licensed gun. Complainant further asserted in the complaint that complainant's licensed gun and motorcycle are in possession of the accused persons at the spot and the accused persons attacked on complainant and complainant's son with lathies and dandas. Complainant

further asserted in the complaint that they saved life after running to their house from the spot and the accused persons also followed them upto their house and attacked on complainant & complainant's family members from rear side with bricks and stones and forcibly by entering in our house attacked us with bricks, stones, lathies and dandas and also misbehaved with our ladies. Complainant further asserted in the complaint that accused persons have openly threatened them that this time complainant has been escaped from their hands and if they again got opportunity, then they would stop only after killing complainant and his family.

Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the present case. No specific role has been attributed to the petitioner. He is in custody since 22.11.2022; investigation is complete; challan has been presented; charges are yet to be framed; the trial is likely to take considerable time to conclude and no fruitful purpose would be served by detaining the petitioner further behind the bar. He further submits that the petitioner is not involved in any other case and therefore, he may be released on regular bail. The next date of hearing before the trial Court is 19.04.2023.

Per contra, the learned State counsel has opposed the grant of bail of the petitioner by stating that in view of the allegations levelled in the FIR, the petitioner is not entitled for grant of bail, however, he could not dispute the fact that he is in custody since 22.11.2022; investigation is complete; challan has been presented; charges are yet to be framed and the fact that the trial is likely to take considerable time to conclude.

I have heard the learned counsels for the parties and perused the record.

Keeping in view the custody period of the petitioner which is 4

months and 02 days; investigation is complete; challan has been presented; charges are yet to be framed and the trial is likely to take considerable time to conclude. Therefore, further detention of the petitioner may not serve any useful purpose, who is presently confined in judicial custody.

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

Accordingly, the present petition stand disposed of.

24.03.2023
Parveen kumar

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No