

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

CRM-M-10116-2023 (O&M)

Date of decision: 23.03.2023

Madan Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Harsh Vardhan Shehrawat, AAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 2nd petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.415 dated 14.10.2018 registered under Sections 147, 148, 149, 302, 307, 341, 323, 186, 325, 332, 353 IPC (Sections 325, 332 and 353 IPC added later), registered at Police Station Badhra, District Charkhi Dadri.

The new ground for filing this petition is that the petitioner is in custody for the last more than 04 years and 05 months and only out of 56 PWs, only 11 PWs have been examined.

Counsel for the petitioner, at the very outset, has relied upon the order dated 19.10.2020 passed in CRM-M No.9512 of 2020 and other connected cases, vide which the co-accused of the petitioner have been released on bail. The brief facts of the case are as under:-

“....Brief facts of the case are that complainant/injured Pardeep got recorded his statement to the police, at PGIMS, Rohtak, alleging therein that on 14.10.2018, at 10.00 a.m. Kamal Singh son of Kanha Ram was ploughing his field adjacent to the village with the help of tractor. Family members and relatives of Kamal Singh were also with him at that time. It is further alleged that at about 11.00 a.m. Kamal Singh after ploughing his fields came out of the field, when some persons in another tractor from the field side, and some other persons from other side, came there, and they stopped their tractor in front of the tractor of Kamal Singh and surrounded Kamal Singh etc. They attacked Kamal Singh etc. and inflicted injuries to them with their weapons. It is further alleged that on hearing the noise, complainant Pardeep along with Vikas and Sombir also reached at the spot. The attackers included Madan, Kamal Singh, Surender @ Pappu, Raj Singh son of Jag Ram, Ved Parkash @ Bedu, Rakesh son of Surender @ Pappu, Vijay, Rakesh Kalu son of Raj Singh, Amit son of Madan Singh, Sachin son of Kamal Singh, Sombir, Narpender son of Prahlad, Satish, Satbir son of Badri, Sukhvender son of Karan Singh, Sandeep son of Randhir, Amit son of Mahender, Mintu son of Mahender, Surender, Samunder son of Mange Ram and Surender son of Lakhbir. Rajesh gave several axe blows on the head of Vikas. Narpender also gave axe blow on the head of Vikas. Other assailants also inflicted dandas blows on Vikas. Then Sombir with the intention to kill the complainant drove his tractor on him. Other persons also inflicted injuries with dandas and lathis to him. It is also alleged that Kamal Singh in order to save himself fired shots from his licenced pistol . 12 bore, which hit Sombir. Thereafter, Manjeet, brother of complainant took the injured/victims to General Hospital, Bhiwani, but on the way Vikas and

Sombir succumbed to their injuries. Complainant and Kamal Singh were referred to PGIMS, Rohtak. Learned counsel for the petitioner submits that as per allegations in the FIR, 22 persons were present at the spot and during investigation, the persons, who caused injuries, were arrested and challan qua them was presented and 14 other persons were found innocent including the petitioner. It is further submitted that now the prosecution has filed an application under Section 319 Cr.P.C., in which all the aforesaid 14 persons have been summoned and the petitioner is ready to surrender before the trial Court and face the trial. Learned State counsel, on instructions from SI Ram Avtar, has not disputed the factual position that at one point of time, the petitioner was declared innocent....”

For the sake of brevity, the facts are not reproduced again.

The affidavit of the Deputy Superintendent of Police, Badhra, District Charkhi Dadri, is filed in the Court in which it is stated that the petitioner is involved in one more FIR No.325 dated 22.09.2018 registered under Sections 147, 149, 294, 447, 506 IPC at Police Station Badhra. As per the affidavit, it is stated that during the investigation, the petitioner along with Raj Singh and others were arrested on 15.10.2018 and a wooden danda was recovered from the petitioner. It is also stated that the petitioner in conspiracy with others has played an active role in commission of the crime.

Counsel for the State, on instructions from the Investigating Officer and on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody for the last more

than 04 years and 05 months; the co-accused of the petitioner are already released on bail; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time as out of 56 PWs, only 11 PWs have been examined, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

23.03.2023

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(ARVIND SINGH SANGWAN)
JUDGE

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