

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-30723-2023

Date of Decision:-18.08.2023

Bedan @ Ved Parkash.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Jangvir S. Hooda, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.69 dated 10.03.2020 under Sections 148, 149, 323, 302 IPC and Sections 25/54/59 of Arms Act registered at Police Station Hathin, District Palwal.

2. The brief facts of the case are that the FIR came to be registered at the instance of complainant Rishi Pal who stated that on 10.03.2020 at about 4.00 pm when he along with his son were present in their house then Girraj, Ranbir @ Ballo, Charan, Bedan @ Ved Parkash (petitioner), Hoti Lal and 4/5 other persons armed with sticks and knives entered their house. When his (complainant's) son Satish confronted them, he was attacked. Ranbir @ Ballo gave many knife blows on the person of Satish. When Vinod Devi wife of Satish came to the rescue of her husband then Bedan

(petitioner) attacked her with a knife. Ranbir also attacked him (complainant) with a knife. On raising an alarm both Ranbir and Bedan fled away from the spot. Satish was taken to the hospital where he was declared dead.

3. The Counsel for the petitioner contends that the report under Section 173(2) Cr.PC was presented only against Ranbir @ Ballo and the other accused were not challaned. Subsequently, after the statement of the witnesses were recorded an application under Section 319 Cr.PC was moved on the basis of which the petitioner came to be summoned as an additional accused. As the petitioner had been declared innocent during the course of investigation and now was in custody since 31.05.2023, he was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that the petitioner was rightly summoned under Section 319 Cr.PC. The allegations levelled against the petitioner were serious and therefore, he was not entitled to the concession of bail as prayed for.

5. I have heard the learned counsel for the parties.

6. The culpability of the petitioner shall be established during the course of Trial. Admittedly he was found to be innocent during the course of investigation and has been summoned to face trial under the provisions of Section 319 Cr.PC. In this situation his further incarceration is not required as he is in custody since 31.05.2023 and all the 18 prosecution witnesses have to be examined once again.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner-**Bedan @ Ved Parkash** son of Sh. Girraj is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. The petitioner (or someone on his behalf) shall prepare an FDR in the sum of Rs.25,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.
9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 18, 2023
Vinay

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