

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of decision : 02.11.2023

1. CRM-M-49312-2023

Makhan Petitioner

versus

State of Haryana Respondent

2. CRM-M-49376-2023

Sonu @ Narender Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. B.S. Beniwal, Advocate
for the petitioners in both cases.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petitions have been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case bearing FIR No.223 dated 14.06.2023, registered for the offences punishable under Sections 323, 324, 34, 341, 427 and 506 of IPC (Sections 325 and 326 of IPC added later on) at Police Station Bhuna, District Fatehabad.

2. FIR was registered on the statement of Sunder son of Rajendra Singh, wherein it has been stated as under:-

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“Stated that I am a resident of the above said address. I am agriculturist. I am residing in my field after construction the farm house. I have taken 5 acres of land adjacent to my farm on contract basis from Balwant son of Shankar Lal, resident of Nadhodi. On 13.06.2023 at around 07:30/08.00 AM in the morning, I have taken my tractor marka Escort and Sailor had gone to plow the land taken on contract. I had taken the tractor and sailor from my land adjacent to my house which is our joint land. When I reached the land taken on contract by me, at the same time both of my family members, nephew Sonu alias Narendra son of Radheshyam and Makhan son of Bhal Singh resident of Nadhodi, stood in front of my tractor. When I got down from the tractor, Sonu and Makhan started abusing me and asked why have you taken the tractor from the land of joint account. There was an iron spade in Sonu’s hand. When I protested, Sonu attacked me on my left hand and head with the spade he was holding. Due to which the iron blade hit the finger of my left hand and my left ear, when I started running away from there, Makhan caught hold to me and slapped and punched me, after that I raised alarm and my father Rajender Singh and people from the neighborhood started coming. Seeing them coming, Sonu and Makhan left from there. On the way, Sonu hit the tractor and caused damage to it and Sonu and Makhan started telling me that if you will give evidence against us in the earlier case, we will kill you. After that, when I started going to my home with my father, Sonu's mother Ram Murti, sister and others had also come there. After that, after going home, arranging the facilities, I went to

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Bhuna Government Hospital for treatment, where Dr. Sahab treated me and referred me to Agroha Medical. Where my treatment is going on. Sonu and Makhan have caused unjust injuries to me and have threatened to kill me. Strictest legal action should be taken against them.”

3. Counsel for the petitioners submits that the petitioners are in custody since 27.06.2023. Challan stands presented and charges have been framed. He further stated that the custody of the petitioners cannot be prolonged as punitive measure.
4. Custody certificates have been produced by State counsel, which are taken on record. As per the same, petitioner-Makhan is stated to have undergone actual custody of more than 04 months and 04 days. Likewise, Sonu @ Narender is also behind bars for more than 04 months and 04 days.
5. Keeping in view the fact that challan stands presented, charges stand framed and the incarceration already suffered by the petitioners, the present petition is allowed. Petitioners are ordered to be released on regular bail on their furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.
7. A photocopy of this order be placed on the file of other connected case.

(PANKAJ JAIN)
JUDGE

02.11.2023

Dinesh

Whether speaking/reasoned :
Whether Reportable :

Yes
No