

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

CRM-M-55291-2023
Date of decision : 14.11.2023

SUNIL KUMAR

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ajay Saini, Advocate
for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.119 dated 17.05.2023 registered for the offences punishable under Sections 148, 149, 323, 506 IPC (Sections 324, 325, 307 IPC added later on) at Police Station Sanoli, District Panipat, Haryana.

2. As per the contents of the FIR it has been alleged as under :

“xxx on 13.05.2023 at about 1 P.M. we in our filed for sowing Millet were making field ready then Suresh son of Lakhmi, Randhir son of Lakhmi, Sunil son of Randhir, Ashish son of Suresh, Sachin (Bhola) son of Krishan, Ajay son of Krishan, ajay son of Suresh, Kamlesh wife of Randhir, Sumitra wife of Krishan, Manisha wife of Sunil with the connivance of each other came into our field and attacked on us, due to which we have received many injuries. That Suresh was armed with Jella, which he hit in the head of Ranjit, Ashish (Ashu) gave handle blow on the hand of Angoori due to which her hand fractured and Sunil gave Lath blow in the head of Akshey, Randhir gave Lath blow to Sheela due to which the

hand of Sheela fractured and Ajay gave blow with his knife on my right hand, the remaining persons also attached on all of us with lathies and Rods, many people gathered there, on seen them they while going were saying today you have saved, in case in future you came to sown this land we will kill all of you. Prior to this quarrel, on 07.05.2023 10.05.2023 they were also and quarreled with us and we all are apprehending danger to our life and property from them. Kindly strict action may be taken against all of them.”

3. Further it has come on record that Akshay received lacerated wound of 4 x 0.5 cm present over the right side of the head. Counsel for the petitioner submits that in fact the dispute was w.r.t. to possession over the agriculture land and the petitioner was not the aggressor party rather the victim party is the one who entered the fields. It has been further contended that the petitioner is in custody for more than 5 months and 13 days. Investigation already stands concluded and the challan stands presented. Thus there can't be any apprehension that the petitioner shall tamper with the evidence.

4. State Counsel does not dispute the aforesaid factual assertions made by counsel for the petitioner which are based on record.

5. I have heard counsel for the parties and have gone through records of the case.

6. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail

on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 14, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No