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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 14172 of 2024

Date of decision : 22.03.2024

Vinod Kumar

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Dheeraj Narula, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG Haryana.

Mr. Gurdarshan Singh Sidhu, Advocate
for the complainant.

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.140 dated 13.08.2021 registered under Sections 323, 325, 341, 506 and 34 of IPC, 1860 and section 307 and 302 (both sections added lateron) at Police Station Ding, District Sirsa, Haryana.

2 As per the allegations in the FIR, it has been alleged as under:-

“Statement of Gulab s/o Balbir r/o Kotli and aged 28 years, Mob.79883-96353. Stated that I am resident of abovementioned address and I do the work of electrician. We are three brothers and two sisters. The eldest one is Nitu Bala and younger to her is Tarawati. I am younger to her. Kapil Dev is younger to me and Ajay is younger to him. Ajay is unmarried. My younger brother Kapil solemnized court marriage with Parvati d/o Shyam Lal r/o village Dudianwali, Tehsil Rania about one month back of my uncle namely Kashmir son's Vinod. That Parvati was already married. That my uncle Kashmir Chand and his son Vinod started nourishing grudge on this. On 11.08.2021 at around 8.15 PM, my brother

Kapil was going on foot in the street to buy house hold items from the grocery shop. When my brother Kapil dev reached near the gate of house of my uncle Kashmir in the street then Vinod Kumar, Rakesh s/o Kashmir Chand were standing near the gate of their house in the street on X- CD motorcycle make Bajaj and the motor-cycle was start. When my brother Kapil Devi reached near their motor-cycle then Vinod Kumar was sitting on the front seat and Rakesh was sitting behind him. That Vinod Kumar while escalating the race of his motorcycle blocked the passage of my brother Kapil Devi by putting the bike ahead of him in the street. That my brother Kapil Devi asked Vinod Kumar the reason of bringing his motor-cycle ahead of him then Vinod Kumar started shouting loudly. In the meantime, the mother of Vinod Kumar namely Kanta Devi w/o Kashmir Chand came out side from the house after hearing the noise of Vinod Kumar and on reaching, caught the collar of my brother Kapil dev and Rakesh while coming down from the motorcycle started giving feast and slaps blows to my brother Kapil Dev and at the same time, on hearing the noise my uncle Kashmir Chand came out from the house and started giving slap and feast blows to my brother Kapil Dev and I was standing outside the gate of my house and intervened in between them. My brother Kapil Devi got himself rescued and rushed towards the house then they all while chasing my brother Kapil Dev came after him near the gate of our house and my brother went inside the house. That on seeing Kapil Dev rushing, my father Balbir Singh s/o Shani Ram and my bua's son Happy and my Bua Kanta Rani came in front of our house in the street and started asking to me what happened and in the mean time, my uncle Kashmir and Rakesh and aunty Kanta Devi while catching hold of my father Balbir started giving feast and slaps blow to him and I have been intervening and Vinod Kumar all of a sudden went inside his house and brought an iron palta of sweet maker outside and gave its bow in the head of my father Balbir Singh and on hitting the same, my father Balbir Singh fell down and became unconscious and

blood started oozing out of it and on seeing my father Balbir Singh unconscious, my uncle Kashmir Chand and his son Rakesh, Vinod Kumar, aunt Kanta Devi fled away from the spot towards the house alongwith Palta and while going issued threats that today you are saved and in future on finding opportunity, you will be killed. That due to the grievous injuries caused to my father Balbir Singh and unconsciousness, I arranged the vehicle and got admitted my father at Hope Neuro Care Center Sirsa for treatment where my father is undergoing treatment and Dr. Sahab conducted the operation of the head of my father who is still unconscious. That my uncle Kashir Chand s/o Shani Ram, Rakesh and Vinod Kumar ss/o Kashmir Chand and aunt kanta Devi w/o Kashmir Chand r/o Kotli gave feast and slaps to my brother Kapil Devi without any reason and while giving feast and slaps blows to my father Balbir and palta blow in the head, caused serious injuries. My brother Kapil Dev did not get issued any MLR. That strict action may be taken. against Kashmir Chand, Rakesh, Vinod and Kanta Devi. That I have got recorded my statement in the presence of my younger brother Kapil Dev which I have read, heard and the same is correct. Sd/ Gulab, Kapil Attested Iqbal Singh HC PS Ding Dt. 13.08.2021.”

3 Custody certificate has been produced. The petitioner has undergone actual custody of more than 2 years 6 months and 8 days. Counsel for the petitioner submits that the trial has almost reached its fag end. Not only material but 17 out of the 22 cited witnesses already stand examined and two have been given up. Thus, trial has almost reached at a stage where the petitioner has to lead his evidence in defence. Thus, the petitioner is entitled to be released on bail.

4 Counsel for the complainant and the State counsel has opposed the bail plea claiming that the petitioner is the main accused and the vital blow on the head of the victim Balbir Singh is attributed through the present

petitioner.

5 Having heard rival contentions of the parties and keeping in view the incarceration suffered by the petitioner, the stage of the trial, and the right of the petitioner to lead evidence in defence, present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

22.03.2024
spn

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable :	No