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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-16707-2024
Date of decision : 10.05.2024

Bijender @ Bali **Petitioner**

versus

The State of Haryana **Respondent**

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Abhimanyu Singh Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.699 dated 02.11.2022, registered for the offences punishable under Sections 114, 120-B, 148, 201, 302 and 404 read with Section 149 of IPC, 1860 at Police Station Bhiwani Sadar, District Bhiwani.
2. Status report by way of affidavit of Ramesh Kumar, HPS, Deputy Superintendent of Police (H.Q), Bhiwani and custody certificate have been filed on behalf of the respondent-State. The same are taken on record.
3. As per the allegations levelled in the FIR on the statement made by Pinky wife of Surinder, it was alleged as under:-

“I do agricultural work. On 31 October 2022 at about 4 PM in the evening, my husband Surinder

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went to fields for some work at that time. My husband had quarrel with Rajesh son of Saaj, Ram, Ajay, son of Saaj, Ram, and Vijender son of Dalip resident of Bala and they were having grudge against my husband. Yesterday, on first of November 2022, my husband went to fields on cycle and about 11 PM. I came to know from my brother-in-law and my mother-in-law that my husband is dead. Body is lying on the fields and thereafter we reached over there along with my mother-in-law and brother-in-law, where attar son of, was found lying in dead condition, and he was having injuries on his hands, legs, on his stomach, and I enquired at my own level and is assured myself that my husband Surinder has been murdered because of his old enmity and Manish son of Ranveer, Vijay Inder, son of Dilip, Rajesh son of Sajja, Ram, Pradeep, son of Rajbir, Surinder, son of Balbir, Ranveer, son of Balbir, Renu wife of Vijay Inder, Sandeep son of Kartar they all after hatching conspiracy had murdered my husband and Shri Bhagwan, son of Kapoor, Naresh, son of Mahavir, Bhupinder, son of Mahabir, Prem son of Mahabir, Bilu Alias Vinod has informed with regard to my husband to them and they have told that now my husband has left from home it is humble request to you that kindly take strict legal action against all of them I and my family members may kindly be protected and kindly take legal action against them.xxx”

4. Counsel for the petitioner submits that there is no eye

DINESH KUMAR witness account. Petitioner has been nominated on the basis of
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integrity of this document

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disclosure statements and the role attributed as per the investigation report filed before the trial Court qua the petitioner is that he gave stick blow on the waist of the deceased. He submits that the role assigned to the petitioner when seen in the light of the post mortem report would show that in fact there is no injury on the waist of the deceased. The injuries found on the person of the deceased have been tabulated as under:-

Sr. No.	Injuries	Marked	Injury Number
1.	10 Tram Track contusions of size ranges maximum 15CM into 3CM, 10CM into 3CM, 6 CM Into 3CM min of Bluish in color over posterolateral aspect of left thigh, on dissection underlying tissue ecchymosed, muscles soft.	No	1
2.	A lacerated would of 4 into 2 CM on Anterior aspect of LT Leg Fresh bleed present on dissection underlying tissue ecchymosed muscle soft.	No	2
3.	8 Tram Track contusions of size maximum 8CM into 3CM 6 CM into 3 CM minimum 3 CM into 2CM of Bluish in colour on posterolateral aspect of RT Thigh on diffction underlying tissue ecchymosed muscle soft.	No	3
4.	A lacerated wound of 5 into 1 CM reddish in colour on Rt Knee joint on dissection underlying bones intact	No	4

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5.	<i>Contusion of red in colour on RT wrist joint of 5 into 5cm and lacerated wound of 3 into 0.5 cm over dorsal aspect of RT hand on dissection echymosed underlying tissue echymosed.</i>	No	5
6.	<i>2 contusion of bluish in color of size 6cm into 3cm on dorsal aspect of LT Arm on dissection underlying tissue echhymosed muscle soft.</i>	No	6
7	<i>Lacerated wound of reddish in colour over Lt. elbow of 2cm into 2cm, underlying ecchymosed</i>	No	7

5. Counsel submits that the deceased died on account of hemorrhage resulting out of injuries No.1 and 3.
6. Petitioner is behind bars since 08.11.2022 and suffered incarceration of more than 01 years, 06 months and 03 days and has another case but the same is qua offence punishable under Sections 323, 506, 427 and 34 of IPC.
7. State counsel has opposed the bail plea submitted that it is a case where the deceased was brutally beaten by the sticks only and submits that as per the statement suffered by the complainant, it was the petitioner who was chasing the deceased. However, he does not dispute that even if the police report is taken on its face value, the allegation qua the petitioner is of having given sticks blow on the waist of the deceased and the same *prima facie* does not get corroborated by the injuries as enlisted in the post mortem report.

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8. Without further commenting on the merits of the case, keeping in view the incarceration, the nature of allegation against the petitioner and the nature of evidence on the police file, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

9. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

10.05.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No