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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-19003-2024
Date of decision : 25.04.2024

Ravi Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Vikas Kumar Dhariwal, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

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.583 dated 16.08.2020, registered for the offences punishable under Sections 147/149/323/325/341/302 of IPC, at Police Station Sadar Hisar, District Hisar.

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

“I am resident of the above said address and I do Farming. We are three brothers. I am the elder, Satsang is younger than me and Jagdish is youngest brother aged about 46 years. That me and my younger brother Jagdish, my uncle Ram Singh and my nephew Dinesh had been going for stroll in the morning towards their fields as usual. Today on dated 16.08.2020, as usual, all four of us were going towards our fields for a walk. My nephew Dinesh was two acres behind us. When we reached Dahima road near the graveyard, a small car came

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from behind and crossed us and stopped near a car parked at T point and both the vehicles again came towards us and stopped in front of us and about 9-10 persons landed at once with the road and sticks, out of which Atmaram Resident of Jatai, he was carrying iron in his hand, defied him that "sale ka kaa tamam kr do" on this saying, Atmaram, Anil Son of Om Prakash, Naveen Son of Sadhuram, Kuldeep Son of Dharamveer and others attacked started indiscriminately beating with sticks and rods to my brother Jagdish, Me and my uncle started telling that what is the matter, what is the matter. Then one pushed my uncle who fell, I started to get rid of him, then he hurt me too, we made a noise killed-killed then my nephew Dinesh, who was following us, two or three people were seen running toward us, then assailants with their own rods and sticks, sitting in and drove away both the vehicles. I could not see the number of vehicles which I could not see due to our injury, Dinesh and Jitendra took us to Government Hospital Hisar for treatment after arranging for the car, where the doctor put on our ointment, which caused more injury to us then Dinesh and Jitender took us to Sarvodaya Hospital for treatment and got us admitted. My brother Jagdish was declared dead by the doctor due to heavy bleeding from the injury. My statement has been recorded and heard which are correct.”

3. Counsel for the petitioner submits that the petitioner was not named in the FIR and neither any injury nor any motive is attributed to him. He has been nominated on the basis of disclosure suffered by co-accused Atma Ram. Further relies upon order dated 11.05.2022 whereby co-accused Monu has been granted concession of regular bail

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in CRM-M-28424-2021, order dated 18.11.2022 whereby co-accused Sheelu has been granted concession of regular bail in CRM-M-29880-2022 and that dated 21.11.2022 passed in CRM-M-38207-2022 whereby co-accused Sumit @ Matri has been granted concession of regular bail and that dated 05.01.2023 passed in CRM-M-60128-2022 whereby Bintu has been granted concession of regular bail.

4. Petitioner is behind bars for more than 08 months and 28 days. There are total 37 cited witnesses and after presentation of supplementary challan, none of the witnesses have been examined till date. Thus, trial is not likely to conclude in the near future.

5. State counsel submits that recovery of danda has been effected. However, he is not in a position to dispute that as per the contents of the FIR, there is no active role attributed to the petitioner.

6. Keeping in view the parity and the incarceration already suffered by the petitioner, 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.

7. 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

25.04.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No