

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-21116-2024

Date of Decision:-14.05.2024

Ajit & Anr.

.....Petitioners.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Lalit Kumar Yadav, Advocate for the Petitioners.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

Mr. Sushil Saini, Advocate for

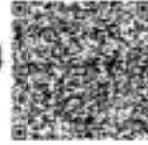
Mr. R.A. Sheoran, Advocate for the Complainant.

JASJIT SINGH BEDI, J.(ORAL)

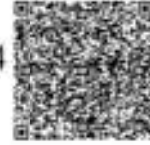
The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.144 dated 26.03.2024 under Sections 147, 148, 149, 324, 506 IPC (Sections 325 and 326 IPC were added later on) registered at Police Station Sadar, Bhiwani, District Bhiwani.

2. The present FIR came to be registered at the instance of Krishan Kumar and reads as under:-

“ To, The SHO Sir, Police Station Sadar Bhiwani. Sir, it is submitted that that I am Krishna Kumar, son of Nihalchand, a permanent resident of village Dharedu, Bhiwani, I am 41 years old, I am raising my family by singing Kalam Prahu and E-Rikya, I am heart patient and two of my stents are dislocated and I am also physically weak. on 25.03.2024, at about 5 pm in



the evening wrestling was going on in Shri Shyam Baba temple. My brother's son Harish son of ShriDutt, Bhim Nambardar son of Omi and ShriBhagwan son of Norang entered into quarrel in wrestling match and slapped my nephew and tried to kill him by abusing him, thereafter Bitu (ShriBhagwan) son of Norang called and informed other members of his family whose name is Ajit son of Baidu. (Bedprakash), Sombir son of Vedprakash, Satbir son of Omprakash (Omi) and Dayanand son of Omi, Deepak son of Harikishan, Karmbir son of Harikishan, Ajeel son of Prakash, Manoj son of Ramesh, Monu son of Murari, Sunil son of Pappu, Manish son of Papyu, Govind son of Pawan., Sanjay son of Indra, Subodh son of Mageram with deadly weapons, Vipin son of Rammehar, Harish son of Rammehar, Karmaveer son of Jaikumar, Tiku son of Pawan, Rohit son of Pachan, all of them together tried to kill my nephew. The people of the village intervened and intervened to save my nephew. I was going home from the temple along with my son Sahil. On the way, when we reached near the house of Bhim son Omi, Monu son Murari dealt a blow of axe which hit my left hand and Ajit S/O Prakash dealt a blow of lathi on my head and Vipin S/O Rammehar dealt a blow of lathi which hit my left elbow. Bhim s/o Omi Nambardar dealt a blow of lathi on the head of my son Sahil and Rammehar S/C Nanhata dealt a blow of lathi on the right hand and thereafter Monu son of Murari, Vipin son of Ram Mehar, Manish son of Pappu (Umed), Sunil son of Umed (Pappu) and Subodh son of Mange Ram attacked my nephew namely Vikas son of Umed with sharp edged weapon by committing house trespass and also hit my daughter-in-law namely Richa wife of Deepak on her hand, when Radheyshyam



son of Netram tried to save, Manoj son of Ramesh gave blow of "Gandasi" on the head, whereas Murari son of Nanhta, Sanjay son of Inder hit with "lathies" as a result thereof he fell down and after felling down, Mohit son of Babulal, Karambir son of HariKishan, Deepak son of Harikishan gave blows of "lathies". Thereafter Murari son of Nanhta, Ajit son of Parkash, Narainya son of Nanhta, Bhim son of Omi, Sombir son of Ved Paraksh, Gobinda son of Pawan attacked my elder brother namely Ram Bilas, aged about 73 years with "lathies". They also broke their bike after entering our house Sunil son of Pappu, Manish son of Pappu, Bhim son of Om Parkash, Daya Nand son of Om Parkash, Monu son of Murari, Pawan son of Gobinda son of Ram Mehar, Murari son of Arun, Sombir son of Bedu also misbehaved with sister- in-law (Bhabhi) namely Santra wife of Om Parkash while showing "lathies" sword and "khukhri" and also threatened with dire consequences. There is a threat to our lives from all these people who are hurting us with the intention of killing us. Strictest action should be taken against them and a case should be registered against all of them and we should be given justice. SD KRISHAN KUMAR."

3. The learned counsel for the petitioners contends that they have been falsely implicated in the present case. In fact it is a case of version and cross version. FIR No.143 dated 26.03.2024 under Sections 147, 148, 149, 323, 341 and 506 IPC stands registered against the present complainant party. Be that as it may, taking the prosecution case to be correct, the petitioner no.1-Ajit had been attributed a simple injury whereas petitioner no.2-Shri Bhagwan @ Bittu had not been attributed any injury. As they were in custody since 01.04.2024 and the investigation was still pending, the



Trial of the present case was not likely to be concluded anytime soon and therefore, they were entitled to the concession of bail.

4. On the other hand, the learned State counsel has filed reply by way of affidavit dated 09.05.2024 of Mr. Ramesh Kumar, HPS, Deputy Superintendent of Police (HQ), Bhiwani, Haryana in the court today, which is taken on record. While referring to the said reply, he contends that accused persons including the petitioners assaulted the complainant party. A *lathi* was recovered from the petitioner no.1-Ajit whereas no recovery has been effected from the petitioner no.2-Shri Bhagwan @ Bittu. Therefore, they were not entitled to the concession of bail. He however concedes that they were first time offenders, in custody since 01.04.2024 and that the investigation is still pending.

5. The Counsel for the complainant contends that the nature of the allegations levelled against the petitioners did not entitle them to the concession of bail.

6. I have heard the learned counsel for the parties.

7. Admittedly, it is a case of version and cross version. It is still to be adjudicated upon as to which party was the aggressor side. The petitioner no.1 has been attributed a simple injury and a *lathi* has been recovered from him. Petitioner no.2 has not been attributed any injury and no recovery has been effected from him. As the petitioners are in custody since 01.04.2024 and the investigation is still pending, therefore the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioners is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioners-Ajit son of Shri Ved Parkash and Shri Bhagwan @ Bittu son of Sh. Norang are ordered to be released on bail



subject to their furnishing bail bonds and surety bonds to the satisfaction of
learned CJM/Duty Magistrate, concerned.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 14, 2024
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No