



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

CRM-M-26206-2024

Date of Decision:-28.05.2024

Monu Sharma & Anr.

.....Petitioners.

Vs.

State of Haryana.

.....Respondent.

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

Present:- Mr. L.K. Yadav, Advocate for
Ms. Meenu Sharma, Advocate for the Petitioners.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

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, 326 IPC were added later on) registered at Police Station Sadar, Bhiwani.

2. The present FIR came to be registered at the instance of Krishna 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 Shri Dutt, Bhim Nambardar son of Omi and Shri Bhagwan son of Norang entered into quarrel in wrestling match and slapped my nephew and tried to kill him by abusing



him, thereafter Bitu (Shri Bhagwan) 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 Pappu, 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 Ram Mehar 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 Ram Mehar 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 Radhey Shyam 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 Parakash, 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 Counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. The complainant had concealed the genesis of the occurrence. An FIR No.143 dated 26.03.2024 under Section 147, 148, 149, 323, 341 and 506 IPC stood registered at the instance of Mani Ram son of Rampal in which Krishan the present complainant along with 13 others were accused. Many persons had been injured from the side of the petitioner. Taking the allegations to be correct Krishan Kumar had received only one grievous injury at the hands of petitioner no.1. So far as petitioner no.2 was concerned, he had not been attributed any injury. As the petitioners were in custody since 01.04.2024 but none of the 17 Pws had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and, therefore, they were entitled to the concession of bail.

5. The learned State counsel on the other hand contends that the petitioner no.1 had been attributed grievous injury on the person of complainant Krishan Kumar and pursuant to his arrest a *Kulhari* had been recovered from him. Bhim (petitioner no.2) was the instigator of the occurrence. Therefore, the nature of the allegations levelled against them did not entitle them to the grant of bail. He however concedes that the petitioners were first time offenders, in custody since 01.04.2024 and that none of the 17 Pws had been examined so far.

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

7. The veracity of the prosecution case against the petitioners and



their co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioners are first time offenders, in custody since 01.04.2024 and none of the 17 prosecution witnesses have been examined so far. 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-**Monu Sharma** son of Sh. Murari Lal and **Bhim Sharma** son of Sh. Om Parkash 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 28, 2024
Vinay

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