



243 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-26568-2023
Date of decision: 19th July, 2024

Rajesh
...Petitioner(s)
Versus
State of Haryana
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sumit Sangwan, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
415	14.10.2018	Badhra, District Charkhi Dadri	147, 148, 149, 302, 307, 323 and 341 of IPC, 1860 (sections 186, 325, 332 and 353 also added in the challan)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 14.10.2018, on receipt of an information regarding admission of two persons namely Pardeep and Kamal Singh in PGIMS Rohtak due to injuries sustained in altercation and dead bodies of two persons namely Sombir and Vikas lying in the mortuary of General Hospital, Bhiwani with regard to the same incident, a police party rushed towards PGIMS trauma Centre, wherein the complainant Pardeep recorded his



statement to the effect that Kamal Singh had been given possession of some agricultural land by the District Administration about some days back and on the same day, he along with his family members and relatives was ploughing the same land with a tractor, when at about 11:00 AM, some persons reached there in a tractor. Some persons were accompanying them on foot. They were armed with weapons. They stopped the tractor of Kamal Singh by causing obstruction with the tractor brought by them and at once opened an attack upon Kamal Singh and his family members. On hearing rescue alarm being raised by them, the complainant and his cousin brothers Vikas and Sombir rushed towards the spot. He alleged that the assailants caused injuries on the person of Kamal Singh and himself. Kamal Singh opened fire with his 12 bore gun in his defence but the same had hit Sombir Singh. The petitioner had struck blows with an axe on the head of Vikas and Vikas had also succumbed to his injuries. He too had sustained injuries and was brought to the hospital. After registration of FIR, investigation proceedings were initiated. Post mortem examination of dead bodies of the victim Sombir and Vikas had been conducted. During investigation, the petitioner and co-accused were arrested. Investigation has since been completed and challan has been presented in the Court. The petitioner had moved an application for grant of regular bail before the learned trial Court which had been dismissed vide order dated 22.02.2023.

3. The present petition has been filed by the petitioner on the grounds and it has been argued by his counsel that he has been falsely implicated in this case. He is in custody since 28.11.2018. There is



inordinate and unexplained delay in lodging of the FIR. The co-accused Narpender Singh whose case is on similar footing has been extended benefit of regular bail. All the remaining accused have also been extended benefit of bail. The material prosecution witnesses stand examined and there is no question of his intimidating them. He has a permanent abode, so there are no chances of his absconding. His further detention even otherwise is not going to serve any useful purpose. On the ground of parity with co-accused, he also deserves to be released on bail and with these broad submissions, it is argued that the petition deserves to be allowed.

4. Status reports have been filed by the respondent-State and it is submitted in these reports and learned State counsel has argued that there are specific allegations against the petitioner and that he has struck several blows with an axe on the victim Vikas thereby causing his homicidal death. Though as per the allegations accused Narpinder Singh had given an axe blow on the head of the victim Vikas but in his sworn deposition, the complainant had not implicated him in the commission of subject offences and that is why he has been extended benefit of bail. His case cannot be stated to be at parity with the case of the co-accused Narpinder Singh or others as the fatal injuries on the victim Vikas had been attributed to him. Trial has almost concluded as the prosecution witnesses already stand examined. The case is at the stage of producing defence. Accordingly, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record



carefully.

6. The petitioner is alleged to have formed membership of unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, he is alleged to have caused injuries to the complainant and victim Vikas thereby causing the death of the victim Vikas. Trial is at its final stage. The allegations against the petitioner are serious in nature. Keeping in view the gravity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to comment upon the merits thereof, I am of the considering opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

7. Since the main petition has been dismissed, pending application, if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

19th July, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |