



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-26537-2024 (O&M)
Date of decision : 01.08.2024

Parveen Gautam

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Navdeep Singh, Advocate for
Mr. Randeep S. Dhull, Advocate
for the petitioner.

Mr. Apoorv Garg, Sr. DAG, Haryana.

PANKAJ JAIN, J. (Oral)

CRM-27614-2024

Application seeking permission to place on record Post
Mortem Report (Annexure P-15) is allowed, subject to all just exceptions.
Annexure P-15 is taken on record.

CRM-M-26537-2024

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.141 dated 17.09.2020, registered for the offences punishable under Sections 148, 149, 323, 341 and 302 of IPC (Sections 120-B and Section 325 of IPC added later on) at Police Station Rojka Meo, District Nuh.
2. FIR came into being on the information supplied by Pop Singh son of deceased-Ved Ram, who alleged as under:-

“To, S.H.O. Sahib, Police Station Rojka Mev. Sir,
it is requested that myself Pop Singh S/o Shri Ved Ram



caste Valmiki is permanent resident of village Atta, Police Station Rojka Mev. It is requested that on date 15.09.2020 son of my Tau(uncle), younger son of Gautam, whose name is Prince age 09 years has gone to play with children at Raheja. There Trilok Singh S/o Om Pal caste Jatav village Atta has beaten up boy Prince. After coming at his house he has told entire things of giving beatings to him to his father Gautam and grandfather Bir Singh. That being angry with giving beatings to Prince, Gautam and Bir Singh were going to house of Trilok Singh. On the way, Trilok met near Mandir. Bir Singh and Gautam have enquired about reason of beaten up. In the meantime he slapped Bir Singh and started abusing. Yesterday on dated 16.09.2020 in the evening at about 07.00 PM, Rakesh S/o Ratan, Rajesh S/o Mange Ram were going by taking articles from the shop. On the near Chaupal of Harijan, they were stopped on the way and were beaten up with Lathi (wooden stick) Saria and Dandas. They suffered grievous injuries. However they saved their lives and ran towards their houses. After passing of about 05 minutes Lokesh S/o Tek Chand also passed from there and he was also beaten up in the same manner. He also suffered grievous injuries. In the mean time they all four were shouting for 'Save us, Save us'. My father Ved Ram S/o Het Ram has gone to shop to get some articles. Then there Trilok and Dushyant sons of Om Pal, Om Pal S/o Munshi, Ajay S/o Prakash, Prakash and Satvir sons of Budh Ram, Hitesh S/o Fateh Singh, Tarun alias Buntty S/o Sahi Ram, Parveen Gautam S/o Niranjana, Rahul S/o Bijender, Manoj S/o Jagbir, Vijay S/o Puran all of accused persons by holding Lathi (wooden stick), Dandas and Sariya type thing and bricks and stones came there and have taken away my father. He was



given grievous injuries. Then we have heard noise and then we have come to know that above mentioned persons have taken away my father. We have tried to go there on the spot of occurrence and we were also attacked with bricks, brick-bats and stones, and we back tracked. Then we have informed to police. After coming of police, along with me Deep S/o Bir Singh, Khajan S/o Ramula, Yegender S/o Rambir, Mukesh S/o Kripa Ram, Kaptan S/o Dharambir and other companions have taken to Government Hospital, Sohana. There, on seeking his serious condition has denied to get him admitted. After that I have brought my father at Medanta Hospital, Gurugram. There, Doctors have declared him dead.”

3. Custody certificate has been filed. As per the same, petitioner is behind bars since 21.09.2020 and by now has suffered incarceration for more than 03 years, 10 months and 03 days.

4. Counsel for the petitioner submits that it is evident from the contents of the FIR that the complainant is not an eye witness to the incident. As per the prosecution, the allegations levelled against the petitioner is of having given danda blow on the chest of the deceased which is based upon the disclosure suffered by the co-accused while in police custody. Further refers to testimony of complainant Pop Singh to submit that the role played by the petitioner in the incident was conciliatory which was admitted by Pop Singh himself in the following words:-

“xx xx xx

It is correct that on 15.09.2020, Parveen Gautam son of Niranjana and Jagbir son of Munsi, uncle of Trilok came to the house of Bir Singh. It is also correct that Jagbir and Parveen Gautam apologized on behalf of Trilok. It is incorrect to suggest that Parveen Gautam



asked Dada Bir Singh to beat him with chhapal but did not quarrel with each other. Volunteered Parveen Gautam asked not to quarrel with each other.”

5. *Per contra*, counsel for the State would submit that it is a case wherein a precious life was lost. Petitioner was named in the FIR being member of unlawful assembly that assaulted Ved Ram, who as per post mortem report died of injuries suffered in the said incident. The intention of the culprits is evident from the fact that they prevented any other family member of Ved Ram from reaching the place of incident pelting stones. He further submits that trial has almost reached its conclusion and 22 out of 32 cited witnesses already stand examined.

6 Having heard counsel for the parties, after carefully perusing the records of the case, keeping in view the incarceration suffered by the petitioner, the nature of allegation against him and the nature of evidence concluded during the course of investigation, 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

01.08.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No