

CRM-M-30759-2024 (O & M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

201

CRM-M-30759-2024 (O & M)
Date of decision:05.07.2024

PRAHLAD

VERSUS

... PETITIONER

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Hitesh Verma, Advocate for the petitioner.
Mr. Sharad Aggarwal, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

1. Mr. Arpandeeep Narula, Advocate has put in appearance on behalf of the complainant and has filed Vakalatnama, which is taken on record.
2. This is the 1st petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in:-

FIR No.	Dated	Police Station	Sections
127	07.06.2023	Nathu Sarai Chopta, District Sirsa	147, 148, 149, 323, 324 and 506 of IPC, 1860, however, Sections 326 and 307, IPC, were added later on.

3. Version of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Hari Singh alleging that his family had a dispute about passage to the agricultural land with Prahlad (present petitioner) and Balwant, who threatened that they will

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take forcibly possession of the passage. On 07.06.2023, when the complainant, his son Bhoop Singh, brother-Bhagat Ram and Rajinder Kumar, were working in agricultural fields, Parkash and Vikas alongwith their father Prahlad, Balwant and Sonu attacked them. Parkash tried to mow them down with a tractor, which he was driving. Parkash hit Bhagat Ram and Rajinder Kumar with a spade. Vikas is accused of hitting Bhoop Singh with a spade. Balwant is alleged to have given a blow on Bhoop Singh. Prahlad is accused of giving a spade blow on the head of the complainant. An alarm was raised, upon which, some people reached the spot and the accused fled.

4. Counsel for the petitioner submits that the petitioner, who is a middle aged person, with clean antecedents, has been falsely implicated. He submits that it is a case of version and cross-version and the petitioner has lodged FIR No.129 dated 08.06.2023 under Sections 148, 149, 323 and 506, IPC, against the complainant side and complainant as well as Vikas have received injuries. He submits that the complainant was apprehended on 11.07.2023 and is in custody since then. It is his categoric case that the complainant has been examined and the petitioner deserves to be enlarged on bail.
5. Per Contra, learned State counsel, upon instructions, has opposed the petition. He is supported by counsel for the complainant. It has been argued that the petitioner's side were the assailants. They were armed and with a pre-determined mind, attacked the

- complainant and his relatives. He submits that the complainant's son has received injuries attracting offence under Section 307, IPC, and is in a serious condition. On a specific Court query, State counsel submits that the petitioner is accused of inflicting a grievous injury on the complainant.
6. I have heard counsel for the parties and considered their respective submissions.
7. Petitioner has been in custody for the last almost one year and the trial is at a nascent stage as only 02 out of 31 witnesses have been examined. The complainant, who is alleged to have been injured by the petitioner has already been examined. Noticing the nature of allegations levelled against the petitioner, role ascribed to him, length of custody and the stage of trial, this Court is inclined to accept the prayer made in the petition.
8. Without adverting to the merits or de-merits of the arguments addressed, petition is allowed. Petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
9. Any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

05.07.2024

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(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No