



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-33221-2024

Date of Decision : **18.07.2024**

SURENDER KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sunny Tyagi, Advocate,
for the petitioner.

Mr. Rajesh Gaur, Addl.A.G., Haryana

Mr. Pal Singh, Advocate,
for respondent no.2.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioners craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.440, dated 17.11.2023, under Sections 323, 34 and 506 of the IPC, (Section 307 and 201 IPC added later on), registered at Police Station Matlauda, District Panipat.

2. The prosecution story as set up by the complainant on the basis of which the present FIR has been registered, reads as under:-

"Respected Sir, facts of the case are as under that I Dharm Singh S/o Karam Singh, resident of Village Kurana. Respected Sir, on 15.11.2023, I along with my brother Jabir Singh gone to our fields at about 1.20 P.M. on motorcycle where Surender son of Ishwar Singh and Shusma wife of Surender were standing in the fields. having spade and sickle in their hands. They stated that they watering the fields, Jasbir stated that you should watering the fields after two days otherwise the sown crop of wheat would be

ruined but they did not adhere and due to that Surender and Sushma have altercation and when I was intervened then Sushma wife of Surender caught hold Jasbir from his neck and surrender gave a spade blow on the head of Jasbir and he become unconscious and fell down on earth. When I tried to take care of my brother then surrender abused me and said that "catch him and beat him also", and at that time Sushma caught hold me from neck and Surender gave a spade blow, then sudden I saw him and caught hold of spade of Surender and they both dragged me upto 50 feet. After 5-7 minutes, after getting free form them, I made a phone call to Krishan who reached within two minutes and when we were lifting Jasbir then they abused Krishan and stated that I will kill you all with bullet. If he will survive then I will kill him with bullet. Thereafter, we took our brother in Panipat Hospital from where he was referred to PGI and we took him to PGI, where doctor saying that his life is in danger for 72 hours. Kindly take legal action against accused person. SD Dharm Singh S/o Karam singh Village Kurana."

3. In asking for the relief (*supra*), learned counsel for the petitioner, submits that the petitioner has suffered incarceration of more that 7 months, as on today.

4. He further submits that dispute is between the real uncle and nephew, and that was only with regard to watering the fields.

5. He further submits that the petitioner has been attributed a single blow to the injured, therefore, the offence punishable under Section 307 IPC is not made out.

6. He further submits that the matter has been compromised between the parties concerned, and therefore, for the better future of the family, further incarceration of the petitioner is totally unwarranted.

7. Notice of motion.

8. Mr. Rajesh Gaur, Addl.A.G., Haryana, accepts notice on behalf of respondent-State and vociferously opposed the asked for relief (*supra*), and has filed custody certificate *qua* the petitioner, which reflects that the petitioner has suffered incarceration of 7 months and 5 days, as on today, and he is not involved in any other criminal case.

9. He further submits, on instructions imparted to him by the police official concerned, that final report has already been filed and charges have been on 13.05.2024. In the final report, the prosecution has cited total 16 witnesses, but none of them, have been examined so far.

10. At this stage, Mr.Pal Singh, Advocate, has caused appearance on behalf of respondent No.2, through a validly executed power of attorney in his favour, which is taken on record. He submits that the matter has been compromised between the parties concerned, and he has no objection if the petitioner is enlarged on regular bail by this Court.

11. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

12. Considering the nature of allegations levelled against the present petitioner as well as the fact that the petitioner has suffered incarceration of 7 months and 5 days as on today, and he is not involved in any other criminal case, coupled with the fact that out of the total 16 witnesses in the final report, none have been examined so far, therefore, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petitions are **allowed**. The petitioners are ordered to be released on bail, on furnishing of their respective bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

13. However, it is clarified that if in future, the petitioner is

found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

July 18, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No