

CRM-M-35096-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35096-2024
Reserved on: 08.11.2024
Pronounced on: 19.11.2024

Attar Singh and another ...Petitioners

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Samay Singh Sandhawalia, Advocate
for the petitioners.

Mr. Vikrant Pamboo, Sr. DAG, Haryana.

Mr. Rajesh Sharma, Advocate for
Mr. Sanjeev Kadian, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
289	14.10.2023	Loharu, Distt. Bhiwani, Haryana	302, 323, 506, 148, 149 IPC

1. The petitioners incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, seeking regular bail.
2. The petitioners are silent about criminal history.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2. That the brief facts of the case are that complainant Mahender has made his statement to the police that on 14.10.2023 at about 7.00 a.m. he along with RamKishan, mother Jamna, Leela Ram were picking the cotton. They have joint khatas of land and have partitioned their land in family partition. All of sudden Vikas, Sumit, Ravinder, ChanderBhan, ChanderBhan's brother-in-law and Ramesh son of Banwari came and attacked upon them. Chander Bhan gave a blow with iron pipe on the head of Ram Kishan, Vikas gave a blow on the head of Mahender, Sumit gave a blow with iron pipe on the arm of complainant's mother. Ram Kishan became unconscious. 2-3 other relatives were also accompanied with them. On hearing the noise, neighbored working in field came at the spot, otherwise they would kill them and while leaving the spot the accused threatened to kill them. Thereafter the complainant arranged private vehicle and got them admitted at CHC Loharu from where the injured were referred to GH, Bhiwani where the medico-legal examination

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of complainant, Ram Kishan and his mother Jamna was conducted by doctors. Ram Kishan was referred to PGIMS, Rohtak. They were having danger to their life at the hands of Vikas, ChanderBhan, Sumit, Ravinder, Ramesh, residents of Damkora. On the basis of the statement of complainant present FIR was registered initially under Section 148, 149, 323, 506 IPC at Police Station Loharu and subsequently offence under Section 302 IPC was added."

4. The petitioners' counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"7. During investigation on dated 21.11.2023 opinion was taken from the Doctor regarding the injury of the deceased. During investigation on dated 10.12.2023 Lila Ram son of Sh. Hari Singh produced a Pen drive along with 65-B certificate and the same was taken in police possession vide memo and the witnesses put their signatures on it. As per observation memo Sandeep son of Suresh was bearing black paint and white shirt and he was having mobile in his hand. Attar s/o Rameshwar was wearing undershirt and paint, ChanderBhan son of Rameshwar was having iron pipe in his hand and he was wearing white pajama-kurta. Vikash son of ChanderBhan was wearing Khakhi paint and blue T-shirt, Ramesh son of Banwari was wearing pink shirt and grey color paint and he was having stick (danda) in his hand. Sushil wife of Suresh was empty hand and she was wearing red color dupatta and standing behind the statue and in 30 second vedio Ramesh son of Banwari was having bottle and stick (danda) in his right hand. Sandeep son of Suresh was wearing white shirt and black paint and he was having iron pipe in his hand. Vikash son of ChanderBhan was wearing Army color lower and blue t-shirt and was having stick (danda) and Ax in his hand. Chanderbhan son of Rameshawar was wearing white sky blue Kurta and Pajama and he was having wooden stick (danda) in his hand. Murti wife of ChanderBhan was wearing pink suit and was having stick(danda) in her hand. Attar son Rameshwar was wearing under-shirt and pent and was empty hand and he was speaking loudly. During investigation on dated 12-12-2023 statements of the family members of the deceased were recorded. On dated 26-12-2023 the neighbourers of the deceased joined the investigation. During investigation on dated 4.1.2024 present petitioner Murti and accused Kavita joined the investigation and they were arrested as per law after finding cogent evidence against them and during investigation the present petitioner Murti and accused Kavita suffered their disclosure statements and admitted their guilt of commission of the offence and the present petitioner Murti and accused Kavita and the witnesses put their signatures on it. During investigation the present petitioner Murti and accused Kavita got demarcated the place of occurrence and present petitioner Murti got recovered one stick (danda) and the same was taken in possession vide recovery memo and the present petitioner and witnesses

$$x \qquad x \qquad x \qquad x \qquad x$$

11. While furnishing a personal bond, the petitioners shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

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12. The petitioners shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioners shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. This bail is conditional, and the foundational condition is that if the petitioners indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

15. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioners can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

16. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

19.11.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.