

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

214

2024:PHHC:054776

CRM-M-38917-2023

Date of decision: April 23rd, 2024

Sohan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Prabhjeet Singh Sullar, Advocate
for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

Mr. Sandeep Singh Jattan
and Ms. Pushpinder Kaur, Advocates
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.110 dated 12.06.2021 under Sections 323, 302 and 506 read with Section 34 of the IPC and Section 25 of the Arms Act, 1959, registered at Police Station Shahzadpur, District Ambala.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner has been in custody since 12.06.2021 and till date, the trial has not made much headway as only three witnesses out of the 22 cited by the prosecution have been examined. He has further submitted that it was a case of sudden fight. Furthermore, identically placed co-accused Karam Singh had been enlarged on bail by this Court vide order dated 09.02.2023. He submits that in the circumstances, since the material witnesses stand examined and 19 prosecution witnesses still remain to be examined, his further incarceration would serve no useful purpose as

there could be no apprehension of the petitioner intimidating or influencing the witnesses.

3. *Per contra*, learned State counsel assisted by learned counsel for the complainant has vehemently opposed the prayer and submissions made by the counsel opposite. The counsel have drawn the attention of this Court to the allegations levelled in the FIR in question, which stands reproduced hereinunder:-

“Stated that I am a resident of above mentioned address and I am agriculturist. Jaswant Singh S/o Dasundha Singh aged 54 years who is my Uncle (Chaccha). In our village, around 2 months ago from today, in pursuance to orders of the Government computerized demarcation of land was got conducted, at that time wheat was standing in the fields. That the signs which were marked at that time were not permanent due to standing of the wheat crop. That, those temporary demarcations were got erased. Today again on 12.06.2021 demarcation was got done in our village and many people of the village were present at the time of demarcation. The demarcations which got erased were marked again. Numbered land of Jaswant Singh is abutting to the abadi land of Karam Singh s/o Ram Singh r/o village Bapoli. That during demarcation some part of Abadi land of Karam Singh was got included in the number land of Jaswant Singh which Karam Singh was occupying. That after demarcation all the people had gone back to their home. Me and my brother Mukhtiar Singh and my uncle (chacha) Jaswant Singh were standing near to our fields at Bapoli Chataan turn and were talking. It was around 2.00 P.M when Karam turned back and came there and said to my uncle (Chachha) Jaswant Singh to get

demarcation again but my Uncle (chachha) said that I will not get demarcation done again, if you need then you get demarcation done. That after listening the same Karam Singh started abusing my Uncle Jaswant Singh and us and started fighting with us and Karam Singh telephonically called his son Sohan @ Sonu and Sahil on the spot. That after sometime Sahil and Sohan @ sonu came with knife at the spot. That Sonu and Sahil on arrival, along with their father Karam Singh started quarrelling with us relating to demarcation of the land and started giving slaps and fist blows to me and my brother Muktiar Singh and my Uncle Jaswant Singh. That Karam Singh and Sahil caught hold my uncle Jaswant while giving slaps and fist blow. That I and my brother Muktiar Singh started to get free my uncle Jaswant Singh from them, then Karam Singh and Sahil said to Sonu what you are waiting for quickly finish with knife. That after hearing this Sonu @Sohan carrying knife in his hands attacked many times on the chest of my uncle Jaswant singh. That one stab of knife hit on the left side of chest of my uncle Jaswant Singh and one got hit on the left side of armpit, while saving my uncle Jaswant Singh one injury of knife was inflicted on left hand finger, that due to getting hit by knife my uncle Jaswant Singh started shouting and blood started oozing from the chest. That due fight many people gathered on the spot then Karam singh and Sahil left my uncle. My uncle was shouting due too pain and fall on the ground. That Karam Singh, Sahil and Sohan @ Sonu after seeing people gathered, threatened us to kill and ran away from the spot along with their weapon. That me and my brother Muktiar Singh after arranging private vehicle took my uncle Jaswant Singh to CHC Shahzadpur for treatment. That during treatment, at

around 3.30 P.M my uncle Jaswant Singh expired due to injuries on the account of fight. That Karam Singh s/o Ram Singh and Sahil and Schan @ Sonu Ss/o Karam Singh due to demarcation of the land has fought with us and my uncle Jaswant Singh. Due suffered in the fight my uncle Jaswant Singh has died. Legal be taken asgainst Karam Singh and Sonu and Sahil.”

4. It has been disputed by the learned counsel that it is a case of sudden quarrel between two parties. Learned counsel has submitted that in fact, the petitioner was not present initially and he was called from his house by his father i.e. co-accused Karam Singh; the petitioner arrived at the spot with a knife and thereafter, it was the co-accused, who instigated him to attack the deceased. Thereafter, the petitioner inflicted multiple knife blows on the person of deceased Jaswant Singh, which proved fatal for him. Learned State counsel has, however, on instructions from Inspector Satyawar, not disputed that the complainant as well as one eyewitness Mukhtiar Singh stand examined. On further instructions, learned State counsel has submitted that both these witnesses stood their ground and supported the case of the prosecution in its entirety. On still further instructions, it has been informed that the next date fixed before the trial Court is 26.04.2024 when some more witnesses are likely to be examined.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. *Prima facie*, there are serious allegations levelled against the petitioner and all the fatal injuries on the person of the deceased, have been attributed to him. This Court would thus, be not inclined to extend the concession of bail to the petitioner.

7. The petition stands dismissed.
8. At this stage a prayer has been made by learned counsel for the petitioner that in view of his long incarceration, coupled with the fact that the complainant party had been absenting themselves during the course of trial on some pretext or the other, the trial Court be directed to expedite the trial and conclude it expeditiously.
9. Since the petitioner has been in custody for more than 2½ years, the trial Court is directed to make earnest efforts to expedite the trial and conclude it preferably within five months from today.
10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

April 23rd, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No