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

CRM-M-39871-2024 (O&M)

Date of decision : 04.12.2024

Atma Ram

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Manoj Sharma, Advocate
for the petitioner.

Mr.Sandeep Singh Mann, Addl. A.G., Haryana.

PANKAJ JAIN, J. (ORAL)

1 This second petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.583 dated 16.08.2020 registered for offences punishable under Sections 147/148/149/323/325/341/302 IPC at Police Station Sadar Hisar.

2. At the outset, counsel for the petitioner submits that inadvertently, the present petition has been filed under Section 439 Cr.P.C and on his oral request, the same be treated one under Section 483 BNSS.

3. Allowed as prayed for. Present petition is treated as petition filed under Section 483 of the BNSS.

4. As per contents of the FIR, it has been alleged as under :-

"Stated that I am the R/o above address and is an agriculturist. We are three brothers. I am the eldest one, Satsang is younger to me then Jagdish who is aged about 46 years. In a daily routine I, my brother Jagdish, my uncle Ram Singh and my nephew Dinesh used

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to go to our fields for morning walk. Today, i.e. 16.08.2020 all for of us going for walk towards our fields. My nephew Dinesh was walking to acres behind us. As soon as we reached near cremation ground on Dahima Road a small car came from behind us and after crossing us it stopped near a car parked on the T point. Then both the car came towards us. 9/10 persons armed with rod and dandas came down from the car. Atma Ram Rio Jatai who was armed with a rod exhorted that lets this basted finish. Then Atma Ram Rio Jatai, Sunil Panghal S/o Om Parkash, Naveen S/o Sadhu Ram, Kuldeep S/o Dharambir and their companion opened attack on my brother Jagdish and started beating him mercilessly with rod and danda. I and my uncle asked about the matter. One of the boys pushed away my uncle, when I try to intervene, they caused injuries to me also. We raised a noise killed-killed. My nephew Dinesh alongwith 2-3 other persons came running from behind. On seeing them coming the assailants went away in their cars with their rod and dandas. I could not note down car numbers. After making arrangement of vehicle Dinesh and Jitender brought us for treatment at Govt Hospital Hisar. After giving first aid to us Jitender and Dinesh brought us to Sarvoday Hospital Hisar, due to serious injuries and got us admitted there. My brother Jagdish was declared dead by the Doctor Sahab due to severe injuries and blood loss. I got recorded my statement. Heard. Same is correct. Stern legal action kindly be taken against the above mentioned accused.”

5. Custody certificate has been filed. The same is taken on record. As per the custody certificate, the petitioner by now has undergone more than 2 years, 9 months & 27 days.

6. Learned counsel for the petitioner relies upon order dated 09.08.2023 passed in **CRM-M No.24059 of 2023** whereby co-accused namely Naveen Poonia has been granted concession of pre-arrest bail and claims parity. Co-accused has been granted bail observing as under :-



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that in compliance of the order dated 11.05.2023 passed by a co-ordinate Bench of this Court, the petitioners had appeared before the learned Trial Court and were admitted to interim bail.

Learned counsel for the State has also affirmed the said fact.

In view of the statement made by learned counsel for the parties, the interim order dated 11.05.2023 is made absolute. The petitioner shall be admitted on bail subject to the furnishing of surety bonds/bails bonds to the satisfaction of the learned trial Court/Illaq Magistrate.

Petitioners shall continue to appear before the learned trial Court on each and every date of hearing and shall not absent during the course of proceedings without prior permission of the Court."

7. Learned counsel for the petitioner submits that the investigation stands concluded.
8. Learned State counsel is not in a position to dispute the aforementioned factual assertions based on record.
9. I have heard learned counsel for the parties and have gone through the records of the case.
10. Without commenting on the merits of the case and considering the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.
11. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

**(PANKAJ JAIN)
JUDGE**

04.12.2024
renu bala

Whether speaking/reasoned: Yes
Whether Reportable : No