



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

237

CRM-M-42638-2024

Date of decision: 05.09.2024

TEJ SINGH

...Petitioner

V/s

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Deepender Singh, Advocate, for the petitioner.

Mr.Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 in case FIR No.72 dated 18.03.2021 under Sections 148, 149, 302, 323, 506 of the IPC and Sections 25/54/59 of the Arms Act, 1959 (Sections 325, 326, 34 of IPC were added later on and Sections 148, 149 of IPC were deleted), registered at Police Station Chand Hut, District Palwal.

2. Learned counsel for the petitioner submits that the petitioner has now been in custody since 24.04.2021. While drawing the attention of this Court to the FIR, which has been annexed as Annexure P1, it has been argued by the learned counsel that allegedly the petitioner was armed with an axe however, no fatal injuries had been attributed to the petitioner on the person of deceased, but to co-accused Raj Kumar and Vikas, who allegedly inflicted fatal injuries with a firearm and *Farsa* respectively. It has been

further asserted by the learned counsel



that the petitioner allegedly inflicted a simple injury on the shoulder of the deceased with an axe and one grievous injury on the frontal region of stamped witness Sahil. Learned counsel has further submitted that it is a case based on eye-witness account and all the material witnesses including stamped witness Sahil, who was allegedly inflicted injury by the petitioner stands examined. Hence, there can be no apprehension of the petitioner intimidating the witnesses or even tampering with any evidence. Learned counsel has therefore prayed that in the aforementioned facts and circumstances, further incarceration of the petitioner would serve no useful purpose as 40 prosecution witnesses still remain to be examined, and he has now been in custody for almost three and a half years.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to dispute that fatal injuries were inflicted upon the deceased with a firearm and *Farsa* and those injuries had been attributed to co-accused Raj Kumar and Vikas; it has also not been disputed that the injury allegedly attributed to the petitioner on the person of the deceased was opined to be simple in nature. However, it has been asserted by the learned State counsel that the petitioner who was armed with an axe inflicted a grievous injury on the frontal region of the stamped witness Sahil, inviting the mischief of Section 325 of the IPC. Learned State counsel, on further instructions, has not disputed the stage of trial and has conceded that all the material witnesses who allegedly witnessed the occurrence in question including injured witness Sahil, stands examined and the next date fixed



before the trial Court is 19.09.2024 when some more witnesses have been summoned to testify before the trial Court.

On a pointed query put to the learned counsel as to whether the petitioner is involved in any other criminal case, he on instructions, has replied in the negative

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

5. It would be apt to reproduce the following allegations levelled in the FIR in question:

*“To The S.H.O. Police Station Chandhut. Subject: Legal action against 1.Rajkumar, 2. Tej Singh 3.Jawahar sons of Radhe Lal, 4. Vikas son Jawahar 5. Triveni wife Jawahar, 6.Jyoti wife of Tej Singh All residents of Ganniki. Sir, I, Lalit son of Kehar Singh am permanent resident of village Ganniki. Today at about 7.30 PM in the evening I was present at my house, when I heard a noise from outside, after hearing the noise I went outside in the Chowk and saw that Rajkumar had a country-made weapon in his hand, **Tej Singh had an axe/kulhari in his hand**, Vikas had Farsha in his hand, Jawahar had a danda in his hand, Triveni had an axe/kulhari in her hand and Jyoti had a stick in his hand, all these were in the Chowk hurling abuses to my father Kehar Singh and my brother Sahil, I told them from a distance not to abuse, then Rajkumar said kill them and in the meantime Rajkumar shot my father directly in the chest with his country made pistol carried in his hand, due to which my father fell on the spot and Rajkumar fired the second bullet directly towards me with an intention to kill me, however I escaped and then Vikas gave Farsha blow on the head of my father lying on the ground, **Tej Singh hit kulhari blow directly to the shoulder of my father**, Jawahar and Jyoti gave sticks blow to my father. On hearing this noise, my sister-in-law (Bhabhi) Manisha also reached on the*



spot and along with her my mother Kanchan also reached to the spot and they also saw this incident with their own eyes. When my brother Sahil ran to save father, then Tejsingh, Vikas, Jawahar, Triveni, and Jyoti gave many injuries to my brother Sahil with the weapons carried in their hands, when my Bhabhi Manisha ran in order to save Sahil, then Triveni gave kulhari blow carried in her hand to my Bhabhi directly on her hand, due to fear my mother was hiding with me. My father has died due to the injuries inflicted on him by the accused and due to serious condition of my brother Sahil he has been referred from Government Hospital Palwal to higher Center. Action be taken against the accused. My Bhabhi Manisha also received first aid in government hospital Palwal. Action be taken. Accused Rajkumar openly threatened that if anybody gave witness against us then we will kill them. Sd/- Lalit Applicant Lalit son of Kehar Singh resident of Ganniki Mob. (Milk) 9850202449 dated 17.03.21.”

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

September 05, 2024

poonam

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No