



CRM-M-42691-2024

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

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CRM-M-42691-2024

Date of decision: 25th October, 2024

Vijay Pal

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rajesh Lamba, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Dr. Pankaj Nanhera, Advocate
for respondent No.2-complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed by the petitioner seeking grant of regular bail in case bearing FIR No. 175 dated 11.04.2023 registered under Sections 148, 149, 323, 324, 307 and 506 of IPC (Section 25 Arms Act, 1959 and Section 302 of IPC added later on) at Police Station Kheripul, District Faridabad.

2. As per the prosecution case, on 11.04.2023, on receipt of information regarding admission of Tulle Ram, Omwati and Yadram in Amrita Hospital, Faridabad due to injuries sustained in some altercation, police officials reached there and obtained opinion of doctor regarding condition of the injured. The injured Yadram was opined to be unfit to make



any statement but Omwati and Tulle Ram were opined as fit to do so. The injured Tulle Ram submitted a written complaint alleging therein that on the previous day at about 3:00 PM, his wife and he himself were present at home when Vidya Devi wife of the petitioner who lived in the neighbourhood, while passing through the house of the complainant was heard calling bad names to the family members of the complainant. Hearing so, the complainant told her not to do so and then she left. Then on 11.04.2023, at about 7:00 AM, the above said Vidya Devi and her son Narender who were living in neighbourhood came out in the street and started talking about the abuses hurled on the previous day to the family of the complainant. On hearing so, the complainant and his wife came out, then accused Vidya Devi opened an assault upon the wife of the complainant by pulling her outside the gate of the house. Hearing the commotion, Sant Ram son of the complainant reached there and accused Narender slapped him. In the meanwhile, Yadram who is also son of the complainant had reached there and tried to pacify the situation. The accused Narender left from home. Sometime thereafter, he along with the petitioner and other members of his family reached there and all of them opened assault upon the complainant, his wife and son. Accused Gaurav struck blows with a knife on the back of Yadram, whereas the present petitioner and co-accused Sachin, Rahul, Narender and nephews of Vidya Devi gave fist blows and kicks to the complainant, his wife and son Sant Ram and daughter-in-law Bharti. Gaurav also assaulted Sant Ram, Bharti and Omwati with *dandas*. The other accused also extended beatings to them. A crowd had gathered and then the assailants



fled away. On the basis of complaint given by complainant, initially a case under Section 148, 307, 323, 324 and 506 read with Section 149 of IPC and Section 25 of Arms Act had been registered. The victim Yadram succumbed to his injuries. Post mortem examination of his dead body and inquest proceedings were conducted. Offence under Section 302 of IPC was added. The petitioner was arrested on 18.04.2023. The co-accused were also arrested. Presently, he along with co-accused is facing trial for the commission of aforementioned offences.

3. The present petition has been filed by the petitioner and it has been argued by his counsel that he has been falsely implicated in this case. The injury which had proved fatal for Yadram had not been attributed to him but was attributed to co-accused Gaurav. No injury whatsoever had been attributed by the petitioner to the deceased. He along with co-accused is alleged to have given only fist blows and kicks to the complainant-Tulle Ram, his wife-Omwati, sons Sant Ram and Prem Chand and daughter-in-law Bharti. As per the medico legal report, only one abrasion/lacerated wound was found on the head of Omwati and only two injuries which were declared to be simple in nature had been sustained by the complainant and these injuries were not attributed to the petitioner alone. Trial is likely to take time as out of thirty-nine witnesses, only one witness has been partly examined so far. The petitioner does not have any criminal antecedents. It is a case of version and cross-version and it is yet to be adjudicated as to who was the aggressor party. The members of accused party had also sustained injuries but no explanation has been given about those injuries. His further detention



would not serve any useful purpose. Therefore, it is urged that he deserves to be released on bail.

4. Status report has been filed by respondent-State. It is argued by learned State counsel assisted by learned counsel for the complainant that the petitioner formed a membership of unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, opened an assault upon the victims and had caused injuries to them. One of the victims namely Yadram succumbed to the injuries sustained by him and had died whereas, the other injured had also sustained serious injuries. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion thereof. There are chances of petitioner's intimidating the witnesses, if extended benefit of bail. The allegations against the petitioner are quite grave in nature. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, the petitioner and co-accused are alleged to have assaulted the members of the complainant party. Injuries sustained by the victim Yadram i.e. son of the complainant had resulted into his death. No doubt, the injuries which had been sustained by the deceased were not specifically attributed to the petitioner but to the co-accused but at the same



time, it may be mentioned that the petitioner was named in the FIR at the very first instance and his active participation in the subject crime and his presence has been *prima facie* established from the allegations as levelled in the FIR. Being a member of unlawful assembly, he is presumed to be having a common object to cause death of the victim Yadram and injuries to the other injured persons including the complainant. The trial has commenced and it has not been revealed that it would be dragged unnecessarily. The cross case against the members of complainant party had been registered only on 08.07.2024 i.e. after a gap of three months from the date of occurrence. The gravity of the allegations as levelled against the petitioner, number of victims and attending facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition does not deserve to be allowed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

25th October, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |