



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

247

CRM-M-47193-2024

Date of decision: October 15th, 2024

Ramesh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sumit Dua, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J.

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 439 of the Code of Criminal Procedure, 1973, in case FIR No.349 dated 09.06.2022 under Sections 186, 307, 332, 353, 34 of the Indian Penal Code, 1860 registered at Police Station Adampur, District Hisar.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It is submitted that after the dismissal of the previous two petitions, the material witnesses including the injured stand examined. Hence, the apprehension of the prosecution that the petitioner may threaten the witnesses no longer holds merit. Furthermore, it has been argued that the trial is not expected to conclude in the near future and since the petitioner has been in custody since 11.06.2022, the petitioner deserves to be enlarged on bail. On merits also, it has been submitted that neither did the petitioner nor any of his family members attack any of the

**CRM-M-47193-2024****-2-**

police officials much less PW-1 EHC Karambir in the occurrence in question; rather, it was on account of an accident that injured PW-1 Karambir sustained the injuries in question.

3. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite by drawing the attention of this Court to the serious allegations detailed in the FIR in question, which has been annexed as Annexure P-1 and stands reproduced hereinunder:-

“Statement of EHC Kalyan Singh Number 1453/Hisar Incharge of ERV-0313 Dial 112 Mobile Number 9416920969 Stated that I am posted as Incharge on ERV-313 Dial 112. EHC Karmbir Singh 244 is posted as driver on the said vehicle and SPO Surendra Singh 04 is posted as assistant on the said vehicle. On 08-06-2022 at 9:32 PM, an event number 746482 was received from the control from mobile number 9992709754 that family members of Minakshi wife of Ramesh Kumar resident of Khairampur is fighting with her. On the above information we took the said vehicle and reached village Khairampur at house of Minakshi at 9.40 PM. On reaching their Minakshi told us that husband Ramesh, brother-in-law Suresh, father-in-law Indraj and mother-in-law Sumitra were fighting with me, that's why I called you. All three of us were talking and inquiring with her meanwhile Ramesh, Suresh son Indraj, Indraj son Phool Singh and Sumitra wife Indraj resident of Khairampur all four came near to us with holding Kasia, Kassi, Danda and Fawra in their own hands and saying that today we will not spare them. Today they should not go alive and attacked upon us with the intention of killing us. Ramesh's son Indraj hitted EHC Karmbir Singh 244 on the right side of his head with a kassiya which he kept in his hand and when I and SPO Surendra no. 04 was busy in handling EHC Karmbir Singh, then Suresh, Indraj and Sumitra attacked us and they Torne my uniform Tore and pushed SPO Surendra to the ground and when they saw EHC Karmbir Singh 244 was injured badly and lot of bleeding from his injury, all four accused fled from the spot along with their weapons. Then I and SPO Surendra Singh put EHC Karmbir in government vehicle Dial 112 and brought him to Adampur government hospital for his treatment, where Doctor has given first aid to EHC Karmbir Singh and referred him another hospital for further treatment. You are requested to take legal action

**CRM-M-47193-2024****-3-**

against the said attackers.”

4. Learned counsel has submitted that a perusal of the FIR reveals that there are specific accusations against the petitioner, who inflicted grievous injuries on PW-1 EHC Karambir with a *kasia*. Learned counsel submits that on account of some dispute between the petitioner and his wife, the police was called to the spot by the petitioner's wife. In response, when the police party arrived at the spot, the petitioner and his other family members, who were all armed with lethal weapons, without any provocation, attacked PW-1 Karambir. When the complainant and another police official attempted to intervene and rescue PW-1 Karambir, the petitioners' family members/co-accused did not spare them and tore off their uniforms.

5. Learned State counsel has further submitted that the ocular testimony provided by the prosecution witnesses is fully corroborated by the medical evidence on record. In support, attention of this Court has been drawn to Annexure P-2, which is the MLR of injured PW-1 Karambir. Learned State counsel has submitted that the nature of injuries inflicted by the petitioner on the head of PW-1 Karambir bely the submissions made by the counsel opposite of it being a case of accident. It has also been submitted, on instructions, that all the material witnesses, while testifying before the trial Court, supported the case of the prosecution in its entirety. Learned counsel has, therefore, prayed that in view of the seriousness of the allegations, the nature of injuries inflicted, and the corroborative evidence on record, the petitioner does not deserve the concession of bail.



CRM-M-47193-2024

-4-

6. I have heard learned counsel for the parties and perused the relevant material on record including the testimonies as well as the Medico Legal Report of the injured.

7. *Prima facie*, there are serious and specific allegations against the petitioner. No doubt, the petitioner has been in custody for the last more than two years, however, as per learned State counsel, now only formal witnesses remain to be examined. Hence, the trial would not take much time to conclude. This Court, in the facts and circumstances as enumerated hereinabove, does not deem it fit to extend the concession of bail to the petitioner.

8. The instant petition stands dismissed.

9. Learned trial Court is directed to make earnest efforts to expedite the trial and conclude the same expeditiously preferably within the next four months.

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.

October 15th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No