

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

CRM-M-61273-2023

Date of Decision:-09.04.2024

Virbhan @ Kala.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Partap Singh, Advocate with
Mr. Vikas Singh, Advocate &
Mr. Parth Singh, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar Assistant Advocate General,
Haryana.

Mr. Punit Malik, Advocate for the Complainant.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.221 dated 13.07.2023 under Sections 148, 149, 307, 323, 324, 506 IPC registered at Police Station Kaithal Sadar, District Kaithal, Haryana.

2. The present FIR came to be registered at the instance of Sunil which reads as under:-

“ Statement of Sunil s/o Raj Kumar r/o village Dhumu Patti Keorak, District Kaithal, aged about 28 years, Mob. No. 74041-36897, stated that I am resident of above mentioned address and doing the labour work. brothers and two We are sisters. Yesterday 12.07.2023 at about 9.30 p.m., Gaurav S/o Karnail, Vishal S/o

Karnail, Bhuru S/o Laxmi, Veerbhan alias Kala Sio Jaimal, Bunty S/o Jaimal and Karnail S/o Sham Lal Rio village Dhumu Patti Keorak were abusing and quarreling with my cousin brother Raj Kumar S/o Rameshwar R/o village Keorak w.r.t. the stray dog. Gaurav & Bhuru were having Gandasis in their hands, Vishal, Veerbhan, Bunty & Karnail were having Lathi/Dandas in their hands. On hearing the hue and cry, I along with my father Raj Kumar S/o Chandagi Ram and my uncle Rampal S/o Chandagi Ram and my sister Mukesh came to the street to save Raj Kumar and tried to intervene. During this, Bhuru S/o Laxmi gave blow of Gandasi on the head of Raj Kumar and Vishal @ Shalu gave blow of Danda on the head of Raj Kumar, upon which he had fallen down on the ground. Then Gaurav gave blow of Gandasi on the head of my uncle Rampal and Veerbhan @ Kala gave blow of Danda on the head of my uncle Rampal, due to which, he had fallen down on the ground. Then Bunty gave blow of Danda on my head and Karnail gave blow of Danda on my right shoulder. The above mentioned accused persons have inflicted these injuries with an intention to kill us. I along with my sister and Raj Kumar raised alarm 'Bachao-Bachao', in the meantime, number of persons came there and the accused persons ran away from the spot with their respective weapons while threatening that today you have been saved, if you will come again to intervene, we will kill you. Our family member took us to Civil Hospital, Kaithal for treatment, where the doctor sahib referred us to PGI, Rohtak. Then our family members took away us to Signas Hospital, Kaithal, where they got admitted us for treatment and where we are under treatment. Accused Bhuru, Gaurav, Vishal @ Shalu, Veerbhan@ Kala, Bunty and Karnail have inflicted injuries to Us with intention to kills us. Strict legal action may kindly be taken against them. I have recorded my statement to you at Signas Hospital, Kaithal, read over its contents, heard and the same are correct. Sd/- Sunil."

3. The Counsel for the petitioner contends that a compromise has been arrived at between the parties. As the petitioner was in custody since 13.07.2023 but none of the 14 PWs had been examined so far, the trial of the present case was not likely to be concluded anytime soon and, therefore, the petitioner was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that the nature of the allegations levelled against the petitioner did not entitle him to the concession of bail. He however, concedes that the petitioner was a first time offender, in custody since 13.07.2023 and that none of the 14 Pws had been examined so far.
5. The Counsel for the complainant admits that a compromise has been arrived at between the parties and states that he has no objection if the petitioner is granted the concession of bail.
6. I have heard learned Counsel for both the parties at length.
7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is a first time offender, in custody since 13.07.2023 and none of the 14 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. Further a compromise has been arrived at between the parties and the counsel for the complainant also states that he has no objection if the petitioner is granted the concession of bail.
8. Thus, without commenting on the merits of the case, the petitioner-**Virbhan @ Kala** son of Sh. Jaimal is ordered to be released on bail subject to their satisfaction of learned CJM/Duty Magistrate, concerned.
9. The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 09, 2024
Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No