

CRM-M-61993-2024

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

CRM-M-61993-2024
Reserved on: 01.05.2025
Pronounced on: 13.05.2024

Ramesh and another ...Petitioners

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Aditya Sanghi, Advocate
for the petitioners.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Sanjeev Kadian, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
289	14.10.2023	Loharu, District Bhiwani	148, 149, 302, 506 IPC

1. The petitioners incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. In paragraph 30 of the bail petition, the accused declares that they have no criminal antecedents.

3. The facts and allegations are taken from para 4 of the petition, which reads as follows:

“That facts of the case are that complainant Mahender has made his statement to the police that on 14.10.2023 at about 7.00 a.m. he along with Ramkishan, mother Jamna, Leela Ram were picking the cotton. They have joint khata of land and has partitioned their land in family partition. All of sudden Vikas, Sumit, Ravinder, Chanderbhan, Chanderbhan's brother-in-law and Ramesh son of Banwari came and attacked upon them. Chanderbhan gave a blow with iron pipe on the head of Ram Kishan, Vikas gave a blow on the head of Mahender, Sumit gave a blow with iron pipe on the arm of complainant's mother. Ram Kishan became

CRM-M-61993-2024

unconscious. 2-3 other relatives were also accompanied with them. Ram on the arm of Kishan became relatives were On also hearing the noise, neighbourer working in field came at the spot, otherwise they would kill them and while leaving the spot the accused threatened to kill them. Thereafter the complainant arranged private vehicle and got them admitted at CHC Loharu from where the injured were referred to GH, Bhiwani where the medico-legal examination of complainant, Ram Kishan and his mother Jamna was conducted by doctors. Ram Kishan was referred to PGIMS, Rohtak. They were having danger to their life at the hands of Vikas, Chanderbhan, Sumit, Ravinder, Ramesh, residents of Damkora. On the basis of the statement of complainant present FIR was registered initially under Section 148, 149, 323, 506 IPC at Police Station Loharu and subsequently Section 302 IPC was added.”

4. The petitioners’ counsel seeks bail on parity with Kavita, Attar Singh and others Sandeep, who were granted bail by Coordinate Bench and also by this Court vide orders dated 14.05.2024 and 19.11.2024 respectively (Annexures P-7 to P-9). He further prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioners and their family.

5. The State’s counsel opposes bail and submits that petitioners should not be granted bail as the trial is at fag end, prosecution evidence has already been completed and it is for the accused to conclude their evidence and they will not seek any adjournment. Complainant’s counsel also opposes the bail and submits that petitioners are not entitled to bail on parity as they have higher role and further prosecution evidence has been completed, all the prosecution witnesses have been examined and now ball is in the court of the petitioners. Complainant’s counsel further submits that if this Court directs the trial Court to expedite the trial, they have no objection.

REASONING:

6. Allegations against the petitioners are that they were members of unlawful assembly, attacked the complainant’s party, in which one person Ram Kishan got grievous injuries and lost his life.

7. A perusal of the bail petition, order annexed at Annexures P-7 to P-9 reflects that those petitioners were not named in the FIR and they were part and parcel of the unlawful assembly, which takes the life of one innocent person, as such petitioners are not entitled to bail on parity and further documents attached prima facie points towards the petitioners’ involvement, trial is at fag end and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioners; this court refrains from doing so.

CRM-M-61993-2024

8. The petitioners' custody of around 01 year, 06 months & 07 days cannot be termed prolonged, given the minimum sentence prescribed for the offense, which is life.
9. State as well as complainant are directed not to seek unnecessary adjournments.
10. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
11. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

13.05.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.