



CRM-M-17163-2025

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

CRM-M-17163-2025

Reserved on: 20th May, 2025Pronounced on: 23rd May, 2025

Vikas

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Hitesh Verma, Advocate for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

Mr. Arpandeeep Narula, Advocate for respondent No.2.

MANISHA BATRA, J :-

The instant one is the third petition that has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 127 dated 07.06.2023 registered under Sections 147, 148, 149, 323, 324 and 506 of IPC (Sections 326 and 307 of IPC added later on) at Police Station Nathu Sarai Chopta, District Sirsa. His previous petition had been dismissed as not pressed.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Hari Singh alleging therein that there was a land dispute between the family of accused Prahlad and Balwant and



his family. Accused Prahlad and Balwant had extended threats to his family that they would take possession of the disputed land by adopting any method. In the morning of 07.06.2023, the complainant alongwith his family members was working in his fields, when the petitioner accompanied by co-accused Parkash, Prahlad, Balwant and Sonu reached there in a tractor. All of them were armed with weapons. They made an exhortation that they would teach the complainant party a lesson for not giving land to them and thereafter, the accused Parkash at once moved his tractor towards them with intent to kill them. The complainant and his family members Bhagat Ram, Bhoop Singh and Rajender fell down on being hit by the tractor. Thereafter, Parkash took out an axe from the tractor and struck blow with the same on the head of Bhagat Ram and Rajender Kumar, whereas, the petitioner struck a blow with shovel on the person of Bhoop Singh. The accused Prahlad struck a blow with shovel on the head of the complainant. The co-accused Balwant inflicted injuries on the persons of Bhoop Singh and the complainant and accused Sonu caused injuries with a *datar* on the person of Rajender Kumar. They also gave kicks to the members of the complainant party. In the meanwhile, the son of the complainant had reached there and then the assailants fled while extending threats to kill them. On his complaint, initially a case under Sections 147, 148, 149, 323, 324 and 506 of IPC was registered. Investigation proceedings were initiated. Subsequently, on receipt of the medico legal report, medical opinions, offences under Sections 307 and 326 of IPC were added. Accused Balwant Singh was arrested on 03.07.2023. The petitioner was arrested on 10.08.2023. He was



interrogated and suffered disclosure statement, in pursuance thereof, he demarcated the place of occurrence and got recovered one iron shovel used at the time of the crime. The co-accused were also arrested. Investigation now stands completed and the petitioner alongwith the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. It is a case of version and cross-version. On the basis of statement of Prahlad, a member of his party, a cross case bearing FIR No. 129 dated 08.06.2023 has been registered against the complainant and other members of his party. The co-accused Parkash, Sonu and Balwant have been extended benefit of bail. On parity, he too deserves to be extended benefit of bail. He is in custody since long. Infact, it was the complainant party that was the aggressor and not the member of his party. The members of his party too had sustained injuries in the incident. Infact, on the fateful day, the complainant and his companions had forcibly destroyed the crop standing in the field of the petitioner, after taking its illegal possession. The trial would take considerable time to conclude. The complainant party stands examined. There are no chances of his intimidating the witnesses. His further incarceration would not serve any useful purpose. Accordingly, it is urged that he deserves to be extended benefit of bail.

4. Status report has been filed. Learned Deputy Advocate General, Haryana, assisted by learned counsel for respondent No.2- complainant, has vehemently argued that the allegations against the petitioner are serious in nature. The petitioner had formed membership of an unlawful assembly with



the co-accused and in prosecution of common object of that unlawful assembly, the members of the complainant party had been assaulted while they were working in their fields. Serious injuries were caused to them. Injuries sustained by injured Bhoop Singh on this head was opined to be dangerous to life. He remained in coma for several months. He has become totally paralyzed and is suffering from 100% disability. Copies of disability certificate and unique disability ID issued by government of India, have been placed on record, which reveal that the victim Bhoop Singh is suffering from 100% intellectual disability. It is, therefore, urged that the petitioner does not deserve to be released on bail.

5. Rival contentions raised by learned counsel for the parties have been considered.

6. The petitioner formed membership of an unlawful assembly alongwith the co-accused and in pursuance thereof, is alleged to have gone to the land wherein the victim Bhoop Singh and others were working and voluntarily caused simple as well as grievous injuries to them. Bhoop Singh son of the complainant had sustained injuries on his head and has been diagnosed as permanently disabled person. The injury that had been opined to be dangerous and had been sustained by the victim Bhoop Singh, had been attributed to the petitioner. Undoubtedly, some accused have been extended benefit of bail. However, the case of the petitioner cannot be stated to be at parity with them since the allegations against him are much serious in nature. Keeping in view the gravity of the nature of the allegations as levelled against him, the part attributed to him, the quantum of sentence

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which the conviction may entail and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner does not deserve to be allowed. Hence, the same is dismissed.

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

[MANISHA BATRA]
JUDGE

23rd May, 2025

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*

2. *Whether reportable* : *Yes / No*