

(2020) 02 P&H CK 0068
In the Punjab And Haryana At Chandigarh
Case No : Criminal Main No. 3862 Of 2020

Sukrampal @ Vijay

APPELLANT

Vs

State Of Haryana And Another

RESPONDENT

Date of Decision : 13-02-2020

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 149, 186, 302, 307, 323, 325, 332, 341, 353

Code Of Criminal Procedure 1973 — Section 319, 438(2)

Citation : (2020) 02 P&H CK 0068

Hon'ble Judges : Arvind Singh Sangwan, J

Bench : Single Bench

Advocate : Sumit Sangwan, Naveen Sheoran, Nitin Sherwal

Final Decision : Allowed

Judgement

Arvind Singh Sangwan, J

The petitioner prays for grant of anticipatory bail in FIR No.415 dated 14.10.2018 (wrongly mentioned as 15.10.2018 in the FIR) registered under

Sections 147, 148, 149, 302, 307, 323, 341 IPC (Sections 186, 325, 332, 353 IPC added later) at Police Station Badhra, District Charkhi Dadri.

On 29.01.2020, the following order was passed:

â??.....Counsel for the petitioner relies upon the order dated 27.11.2019 passed in CRM-M No.49067 of 2019 wherein the following observation was

made:-

â??â?|.Brief facts of the case are that complainant/injured Pardeep got recorded his statement to the police, at PGIMS, Rohtak, alleging therein that

on 14.10.2018, at 10.00 a.m. Kamal Singh son of Kanha Ram was ploughing his field adjacent to the village with the help of tractor. Family members

and relatives of Kamal Singh were also with him at that time. It is further alleged that at about 11.00 a.m. Kamal Singh after ploughing his fields came out of the field, when some persons in another tractor from the field side, and some other persons from other side, came there, and they stopped their tractor in front of the tractor of Kamal Singh and surrounded Kamal Singh etc. They attacked Kamal Singh etc. and inflicted injuries to them with their weapons. It is further alleged that on hearing the noise, complainant Pardeep along with Vikas and Sombir also reached at the spot. The attackers included Madan, Kamal Singh, Surender @ Pappu, Raj Singh son of Jag Ram, Ved Parkash @ Bedu, Rakesh son of Surender @ Pappu, Vijay, Rakesh Kalu son of Raj Singh, Amit son of Madan Singh, Sachin son of Kamal Singh, Sombir, Narpender son of Prahlad, Satish, Satbir son of Badri, Sukhvender son of Karan Singh, Sandeep son of Randhir, Amit son of Mahender, Mintu son of Mahender, Surender, Samunder son of Mange Ram and Surender son of Lakhbir. Rajesh gave several axe blows on the head of Vikas. Narpender also gave axe blow on the head of Vikas. Other assailants also inflicted dandas blows on Vikas. Then Sombir with the intention to kill the complainant drove his tractor on him. Other persons also inflicted injuries with dandas and lathis to him. It is also alleged that Kamal Singh in order to save himself fired shots from his licenced pistol 12 bore, which hit Sombir. Thereafter, Manjeet, brother of complainant took the injured/ victims to General Hospital, Bhiwani, but on the way Vikas and Sombir succumbed to their injuries. Complainant and Kamal Singh were referred to PGIMS, Rohtak.

Learned counsel for the petitioner submits that as per allegations in the FIR, 22 persons were present at the spot and during investigation, the persons, who caused injuries, were arrested and challan qua them was presented and 14 other persons were found innocent including the petitioner. It is further submitted that now the prosecution has filed an application under Section 319 Cr.P.C., in which all the aforesaid 14 persons have been summoned and the petitioner is ready to surrender before the trial Court and face the trial. Learned State counsel, on instructions from SI Ram Avtar, has not disputed the factual position that at one point of time, the petitioner was declared innocent....â??

Counsel for the petitioner has further argued that no role is attributed to the petitioner and his case is at par with the co- accused Kamal Singh.

Counsel for the petitioner has also argued that the petitioner will not challenge the order under Section 319 Cr.P.C. and will face the trial.

Notice of motion for 13.02.2020.

In the meantime, the petitioner is directed to appear before the trial Court and the trial Court/Duty Magistrate will release the petitioner on interim bail

subject to his furnishing fresh bail/surety bonds.â??

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 29.01.2020, has already appeared before the trial Court

and he has been released on interim bail.

Learned counsel for the petitioner further submits that he has the instructions to say that the petitioner will not challenge the order passed under

Section 319 Cr.P.C. and will face the trial.

Learned counsel for the State, on instructions from SI Prem Singh, assisted by learned counsel for the complainant, has not disputed the factual

position.

In view of the above, the petition is allowed and order dated 29.01.2020 is made absolute subject to the conditions envisaged under Section 438(2)

Cr.P.C.