

(2011) 04 P&H CK 0307

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal M. No. M-8396 of 2011 (O and M)

Ram Chander

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: April 26, 2011

Acts Referred:

- Penal Code, 1860 (IPC) - Section 148, 149, 307, 323, 452

Hon'ble Judges: K.C. Puri, J

Bench: Single Bench

Final Decision: Allowed

Judgement

K.C. Puri, J.

Petitioner- Ram Chander S/o Jagdish, has applied for grant of regular bail in FIR No. 240 dated 13.11.2010 under Sections 148, 149, 307, 323, 452, 506 IPC, registered at Police Station Sadar Narnaul, District Mahendergarh.

2. As per allegation of the prosecution, there was a dispute between the complainant party and accused party regarding passage. On 12.11.2010 at about 4.30 P.M. Lalli Devi mother of the complainant and complainant himself were standing in front of their house. Jagdish s/o Ganpat, Sumit s/o Jagdish, Ram Chander s/o Jagdish, Nirmala w/o Jagdish and Braham Parkash s/o Nityanand, caste Aheer, came there in their new tractor of blue colour. Sumit was armed with axe, Nirmala was armed with jelly, Jagdish was armed with rod and Braham Parkash was armed with axe. The tractor was being driven by Ram Chander - Applicant. It is alleged that all the abovesaid persons in active connivance of each other came to the house of the complainant with an intention to kill them. Jagdish raised a lalkara that kill them and run over and crush them under the tractor. On saying this, all the persons came down from tractor. Ram Chander was driving the tractor and he hit the mother of the complainant Lalli Devi with the tractor on which she fell down. It is further alleged that Petitioner ran the tractor over the neck and head of Lalli Devi and he again reversed the tractor and ran over Lalli Devi. It is further alleged that when

complainant tried to save his mother, then an axe blow was given by Sumit on his head which hit on the left side and Nirmala gave jelly blow on the left hand of the complainant. Then the complainant ran into his house, on this Brahm Parkash chased him and entered his house and gave an axe blow on his back. On this they raised noise marta-marta, then son of the uncle of complainant Jagat Singh and Manoj s/o Ramesh Chand came on the spot. On seeing them, Jagdish, Sumit, etc. said that today you people are being saved, but we will kill you later on and they ran away from the spot alongwith their respective weapons on their tractor.

3. Nirmala and Brahm Parkash are stated to have been declared innocent. Sumit and Jagdish have been allowed the concession of bail by the learned Sessions Judge. The reasoning given by the Sessions Judge is that it is a case of cross version and Petitioner - Ram Chander has also suffered fracture alongwith his father.

4. Learned State counsel could not point out, from which it is made out that any injury of any of the injured was declared dangerous to life.

5. The Petitioner is in custody since 22.11.2010. In these circumstances, it is a fit case to allow the concession of bail.

6. So, bail to the satisfaction of the trial Court.