

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65339-2024
Reserved on: 20.02.2025
Pronounced on: 28.02.2025

Sahil ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Robin Lohan, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, D.A.G., Haryana.

Mr. Madan Sandhu, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
206	25.05.2024	Narnaund, District Hansi	147, 149, 307, 323, 506 and 452 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 14 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“2. That, the brief facts of the case are that on 24.05.2024 a ruqa was received in Police Station Narnaund regarding admission of Sonu son of Sube Singh in General Hospital, Hisar after referring from CHC Narnaund in a fight case. Contact was made on the mobile number, who told that Sonu is admitted in Sarvodaya Hospital, Hisar. On 25.05.2024, after reaching Sarvodaya Hospital, Hisar and taking the opinion of doctor was obtained and statement of Sonu was recorded to the effect that he is resident of Ward No.3 Narnaund and have a shop by the name of Saini

Juice Corner at Khanda Mod. Further he alleged that Sahil (Present Petitioner) son of Ishwar Valmiki, resident of ward No.8, Narnaund had taken juice and pastries etc. worth about Rs.350/- on credit from his shop about 3-4 months ago. When he asked him for paying the said amount, he used to say that he will return it in 2-3 days. On 24.5.2024, at about 2:30 PM, he was present in his shop and at that time, Sahil (Present Petitioner) was passing by his shop. When he asked him for paying the aforesaid amount, he abused him and went away saying that he will settle the amount after some time. Thereafter, about 15-20 minutes, Sahil (Present Petitioner) along-with 5-6 other persons came to his shop. Sahil (Present Petitioner) was having an ice pick in his hand, Sagar (co-accused) had a binda in his hand and the other were having sharp weapons and all of them entered in his shop illegally. Sahil (Present Petitioner) raised alarm and said that he would teach lesson to him for asking for money and attacked on the neck of the complainant with sua (ice pick). When he tried to rescue himself, sua hit his waist on the right side below the neck. Hearing his scream, neighboring shopkeepers came at the spot and on seeing them all the accused persons ran away from the spot with their weapons and threatened him not to ask about money, otherwise he would be killed. Thereafter, he was shifted to CHC Narnaund but due to the serious injuries, his family members admitted him in Sarvodaya Hospital, Hisar. A prayer was made for taking action against present petitioner Sahil, co-accused Sagar and others. Copy of MLR is annexed herewith as Annexure R-1. On the basis of said statement and injuries mention in MLR, a case FIR No. 206 dated 25.05.2024 under sections 147, 149, 323, 506 IPC was registered at Police Station Narnaund.”

4. Counsel for the petitioner submits that the matter stands compromised and the co-accused had already been granted bail by this Court vide order dated 14.11.2024 passed in CRM-M-46337-2024 (Annexure P-2). He further prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail and refers to status report. However, counsel for the complainant submits that the matter stands compromised between the parties and he has no objection in case this Court grants bail to the petitioner and refer affidavit of complainant dated 24.12.2024.

6. It would be appropriate to refer to the following portions of the status report,

which read as follows:

“8. That, during the course of investigation, it has been found that the present petitioner was actively involved in commission of offence. The allegations leveled against the present petitioner are serious in nature. In view of above facts and circumstances explained above no ground is made out to grant concession of regular bail to the petitioner and the possibility of violation of terms and conditions of bail bonds cannot be ruled out. There is also possibility that the petitioner will not appear before the Ld. Trial Court and can give threat, promise or inducement to the person(s) acquainted with the facts of the case.”

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. As per paragraph 6 of the bail petition, the petitioner has been in custody since 05.06.2024. As per the custody certificate dated 18.02.2025, the petitioner's total custody in this FIR is eight months and nine days. Given the penal provisions invoked viz-a-viz pre-trial custody, factum of compromise, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

8. Given the nature of allegations coupled with the fact that parties have compromised the matter, petitioner is entitled for bail. However, it is clarified that this bail order shall neither be considered as a reason to quash the FIR nor shall come as hindrance in the way of the prosecution or the Court in case, there is violation of Sections 216/217 of BNS 2023 (181/182 IPC earlier).

9. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, compromise of the matter, and for the reasons mentioned above, the petitioner makes a case for bail.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

12. This order is subject to the petitioner’s complying with the following terms.

13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

14. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

28.02.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.