

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(209)

CRM-M-11307-2022
Date of Decision:20.12.2022

Nikhil Sayal

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. R.S. Rai, Sr. Advocate with
Mr. Abhinav Sood, Advocate for the petitioner.

Mr. Kirpal Singh, AAG, Haryana.

Ms. Monika Thakur, Advocate for the complainant.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.807 dated 26.12.2021 under sections 323, 365, 376, 380, 452, 506, 511 and 34 IPC registered at Police Station, Gurugram Sadar, District Gurugram.

As per factual matrix, a complaint was lodged by Rahul Singh son of Thaman Singh, wherein it was alleged that he along with his family was living with Sanjay Grover and Shabnam Grover and he treated them as his brother and sister-in-law for the last about 2-3 years. On the date of occurrence at about 1/1.30 P.M Sanjay Grover and Shabnam Grover were not at home and his wife and sons were at home. 4-5 persons entered their home and they started beating him and his wife. They also gave beatings to the children. Nikhil i.e. the present petitioner made an attempt to molest his wife and teased her. They took his wife and children in their car and dropped them at Bakhtawar Chowk. Thereafter they went to their old house

in Sector 14 and the accused followed them there as well. Again they entered the house and gave them beatings and tried to molest his wife. A request was made to take legal action against the culprit.

The FIR in question was lodged and investigation commenced. The petitioner was arrested on 26.12.2021. He approached the learned Addl. Sessions Judge, Fast Track Court, Gurugram for grant of bail, however, after hearing the parties, the same was declined vide order dated 21.2.2022. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned senior counsel for the petitioner vehemently contends that the petitioner has been falsely implicated in the present case. He submits that the present case is a glaring example of the malicious prosecution of the petitioner. He submits that the petitioner and Sanjay Grover are business partners and there arose a dispute regarding the transactions pertaining to a flat. It is on account of the same his partner Sanjay Grover framed the petitioner in the present case. He submits that by lodging the present FIR Sanjay Grover has made an attempt to compel the petitioner for entering into compromise in the dispute which arose out of the business transactions. It is submitted that petitioner has no axe to grind with the complainant and the prosecutrix. It is further submitted that the investigation in the case is complete and the charges have been framed. Counsel submits that petitioner is a law abiding citizen and has no criminal antecedents. It is submitted that further incarceration of the petitioner is totally unwarranted in the eyes of law.

Learned counsel for the complainant has opposed the submissions made by learned senior counsel appearing on behalf of the petitioner. She submits that there are specific allegations against the petitioner. It is submitted that Sanjay Grover and Shabnam Grover were not at home and it was in their absence that the petitioner along with co-accused entered their house and gave beatings to the complainant and his wife and children. She submits that petitioner has given his wrong address just to mislead the court.

On the other hand, learned State counsel on instructions from ASI Pramila submits that there are specific allegations against the petitioner. He submits that in all there are 6 accused out of which 4 are impleaded by name and rest of the accused out of 4 accused including the petitioner) are on bail. It is submitted that the investigation in the case is complete, charges have been framed and the case is fixed for recording prosecution evidence before the learned Trial Court on 9.1.2023. He further submits that as per information provided to him petitioner is not involved in any other case.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Admittedly, petitioner is behind bars since 26.12.2021. Co-accused are already on bail in this case. There is nothing on record to show that petitioner has any criminal antecedents. The veracity of the allegations levelled against the petitioner would be assessed by the Trial Court only upon conclusion of the trial. This court would refrain itself from commenting on the merits of the case, as the allegations and counter

allegations would be assessed only after evaluation of the complete evidence to be led by both the sides before the Trial Court. The trial would take sufficiently long time in its conclusion.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to the satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

20.12.2022

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No