

CRM-M-51075 of 2022

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

CRM-M-51075 of 2022
Date of decision: 09.12.2022

Ronak Singh Kalra

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Shubham Thakur, Advocate, for petitioner.
Mr. Vikrant Pamboo, DAG, Haryana.
Mr. G.C. Shahpuri, Advocate, for the complainant.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case FIR No.497 dated 27.12.2021 under Sections 148/149/323/379-B/506 IPC and Section 25/54/59 of the Arms Act, 1959 (Sections 506 IPC and Section 25/54/59 of the Arms Act, 1959 added subsequently), registered at Police Station Gandhi Nagar, District Yamuna Nagar.

The case of the prosecution is that FIR in question was registered on the basis of complaint made by Karan Singh son of Shri Bhupinder Singh, who stated that he was working with Bhatia Transport, Yamuna Nagar. On 27.12.2021, he was coming from Radaur to Yamuna Nagar by bus. He alighted from the bus near National Public School, at about 11:30 a.m., and was going on foot towards Radaur while talking on mobile phone with his friend Akshay Rana. While talking, he turned in the street, opposite 'Malik Kanta' (weighing bridge). As soon as he took the

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turn, two youths came from behind and caught him. They started assaulting him. One of the youths gave blow on his head with butt of pistol. When he turned back, he identified him as Narender Rana and the other youth was Shiva, resident of Mandhour. Thereafter, petitioner-Ronak Kalra arrived and assaulted him. Shiva took out 12,500/- from the pocket of his trouser. 5-6 other youths came with them and assaulted him. He could identify them. Several persons gathered on the spot and on seeing them, the culprits left and threatened to kill him in case he disclosed the incident to anyone. On the complaint, case under Sections 148, 149, 323, 379-B IPC was registered and investigation was commenced. Site was inspected and site plan was drawn up. Offences under Section 506 IPC and Section 25 of Arms Act were added. On 15.04.2022, pendrive relating to the occurrence was taken into police possession. Certificate under Section 65- B of the Evidence Act was obtained. Call details record of mobile phone number 7858000013 was obtained. On 01.07.2022, accused Shivam alias Shiva was joined in investigation, after due permission, and was arrested. His disclosure statement was recorded. On completion of investigation, challan against accused Shivam alias Shiva was submitted in the Court on 29.08.2022.

Learned counsel for the petitioner submits that compromise dated 06.10.2022 (Annexure P-2) has been effected between the petitioner and the complainant and it has been stated by the complainant that no injuries were inflicted upon him by the petitioner nor did he extend any threat of elimination. He further submits that even in the FIR no specific attribution has been made against the petitioner. He submits that the challan has been presented on 25.11.2022 and now the case is fixed before the trial

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Court on 9.12.2022. Petitioner is in custody since 05.10.2022. No recovery is to be effected from the petitioner and the petitioner is not involved in any other case. The trial is likely to take a considerable time. No useful purpose would be served by detaining the petitioner behind bars. Therefore, he may be granted concession of regular bail.

Learned counsel for the complainant also admits the factum of compromise.

Learned State counsel could not refute the abovesaid contentions made by learned counsel for the petitioner. He, however, submits that since the charges are serious in nature, therefore, petitioner is not entitled for grant of regular bail.

Considering overall facts and circumstances of the case; custody period of the petitioner; compromise dated 06.10.2022 (Annexure P-2) and the fact that trial is at initial stage and is likely to take a considerable time and no fruitful purpose would be served by detaining the petitioner behind bars during trial, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

The petition stands disposed off accordingly.

(NAMIT KUMAR)
JUDGE

09.12.2022
R.S.

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No