

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

CRM-M-2310-2023

Date of decision: 16.05.2023

Shivam @ Shiva

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Dinesh Sharma, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, DAG, Haryana.

Mr. Kuljit Singh, Advocate for
Ms. Veena Hooda, Advocate for the complainant.

NAMIT KUMAR, J. (ORAL)

1. Petitioner has filed the instant petition under Section 439 Cr.PC seeking regular bail in case FIR No.497 dated 27.12.2021 under Sections 148/149/323/379B/506 of IPC, 1860 and Sections 25/54/59 of the Arms Act, 1959, registered at Police Station Gandhi Nagar, Yamunanagar (Annexure P-1).

2. The brief facts of the prosecution case are that the instant FIR was registered on 27.12.2021, Karan Singh son of Shri Bhupinder Singh resident of village Bapa came to the police station and presented an application to the effect 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 AM, 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 turn, two boys 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 (petitioner), resident of Mandhour. Thereafter, Ronak Kalra arrived and assaulted him. Shiva (petitioner) 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 collected 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/(petitioner) 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.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that the only allegation against the petitioner in the FIR is that the petitioner along with co-accused Ronak Singh Kalra gave beating to the complainant and took out Rs.12,500/- from the pocket of his pant. He further submits that the matter has been compromised vide compromise deed dated 06.10.2022 (Annexure P-4) and the co-accused namely Ronak Singh Kalra has already been granted concession of regular bail by this Court vide order dated 09.12.2022 passed in CRM-M-51075-2022 (Annexure P-3). He further submits that the investigation in the present case is complete; challan has been presented; charges are yet to be framed and there are total 13 prosecution witnesses and the case is now fixed

before the trial Court on 22.05.2023 for framing of charges. He further submits that the petitioner is in custody since 01.07.2022. Trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. Per contra, learned State counsel, while placing on record, custody certificate, opposes the prayer for grant of regular bail to the petitioner by stating that the petitioner is involved in another case FIR No.122 dated 24.05.2022 under Sections 307/34/120B/201 IPC and Sections 25/54/59 of the Arms Act, 1959, registered at PS Farakpur, Yamuna Nagar although he was acquitted in the said case vide judgment dated 02.02.2023 passed by the Ld. Additional Sessions Judge, Jagadhri. However, she could not dispute that investigation in the present case is complete; challan has been presented; charges are yet to be framed and there are total 13 prosecution witnesses and the case is now fixed before the trial Court on 22.05.2023 for framing of charges.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the custody of the petitioner, which is about 10 months 15 days; the matter has already been compromised vide compromise deed dated 06.10.2022 (Annexure P-4) and the co-accused namely Ronak Singh Kalra has already been granted concession of regular bail by this Court vide order dated 09.12.2022 passed in CRM-M-51075-2022 (Annexure P-3); investigation is complete; challan has been presented; charges are yet to be framed and there are 13 prosecution witnesses yet to be examined and trial is likely to take a considerable time.

7. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of

the trial Court/Duty Magistrate concerned.

8. Accordingly, the present petition stands disposed of.

9. Nothing observed herein shall be construed as an expression of opinion on the merits of the case of either parties.

16.05.2023
Parveen kumar

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No