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IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CRM-M-17282-2023

Date of Decision: 14.12.2023

Nishan Singh and another

..... Petitioners

Versus

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Gaurav Datta, Advocate,  
for the petitioners.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. D.S. Virk, Advocate and  
Mr. Rajiv Godara, Advocate,  
for the complainant.

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**JASGURPREET SINGH PURI, J. (ORAL)**

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in case bearing FIR No.663 dated 22.08.2022, under Sections 147, 149, 341, 323, 325, 427, 506, 307, 379 & 120-B IPC, registered at Police Station City Sirsa, District Sirsa.

2. Mr. Gaurav Datta, Advocate has caused appearance and filed his Power of Attorney, which is taken on record and stated that he has instructions to appear on behalf of the petitioners.

3. It has been submitted by learned counsel for the petitioners that both the petitioners are in custody for 10 months and 10 days and qua them the investigation of the case has already been completed and thereafter, challan has also been presented before the competent Court. He further

submitted that as per the allegations, Prahlad Singh, who is the second husband of the complainant was beaten up by some of the persons and their names have also been mentioned in the FIR but the petitioners were not named in the FIR. He also submitted that allegedly the motive for beating up the husband of the complainant was that the brother of her late husband of the complainant, namely, Pawan Maheshwari was having some pre-existing grudge against him and he had hired some persons for the purpose of killing the husband of the complainant. He further submitted that the incident was also captured in the CCTV camera and the other accused, namely, Maninder Singh Bajwa, Pawan Kumar, Om Parkash, Amritpal, Rajiv Kumar, Gurmangad Singh, who had caused injuries by iron rods and fire-arms, have been granted either anticipatory bail by this Court or they have been released on regular bail. He also submitted that so far as the present petitioners are concerned, they were shown to be present in the CCTV footage but as per the CCTV footage, they were only seen damaging the car and no injuries have been caused by them to the husband of the complainant. In order to substantiate his arguments, he also referred to reply filed by the State in anticipatory bail application before the learned trial Court in which specific roles of the aforesaid co-accused have been mentioned, but no specific role was attributed to the petitioners. He further submitted that the petitioners are rather having clean antecedents and are not involved in any other case and qua them even investigation has been completed and now no recovery is to be effected from them. He also submitted that the petitioners are not only at parity with the aforesaid co-accused but rather at better footing and has therefore prayed that the petitioner may also be considered for grant of

regular bail.

3. On the other hand, Mr. Naveen Kumar Sheoran, learned DAG, Haryana, Mr. Rajiv Godara as well as Mr. D.S. Virk, learned counsels for the complainant, have submitted that so far as the custody of the petitioners is concerned, the same is not in dispute and it is also not in dispute that qua them the investigation of the case has been completed and challan has also been presented before the competent Court. The learned State Counsel has specifically stated on instructions that the petitioners are not involved in any other case and have clean antecedents. So far as the role of the present petitioners in the present case even as seen in the CCTV footage is concerned, it is the case of the learned counsel for the petitioners that their role was only limited to giving stick blows on the car whereas the learned State Counsel as well as the learned counsels for the complainant stated that the stick blows were not only given on the car but also on the body of the injured. So far as the parity aspect is concerned, it is also not disputed by the State Counsel and also by the counsels for the complainant that those persons, who have been granted bail, qua them also, specific roles were attributed. However, learned counsels submitted that the petitioners are not at parity with the aforesaid co-accused because they were specifically seen in the CCTV footage and the mere fact that the other co-accused have been granted bail would not mean that the petitioners are also entitled for grant of regular bail.

4. I have heard the learned counsels for the parties.

5. After hearing the learned counsels for the parties, this Court is of the view that considering the fact that the other co-accused, who have

already been granted either anticipatory bail or regular bail and they are the persons, who allegedly had given beatings and also fired shots but the role attributable to the present petitioners as per the learned counsel for the petitioners is giving of stick blows on the car but as per the learned counsels for the State and the complainant, the petitioners had given stick blows to the injured as well, which can only be ascertained only at the time of trial, the petitioners would certainly be at better footing than the aforesaid co-accused, who have been granted bail. During the course of arguments, it was also pointed out by all the learned counsels for the parties that earlier the provision of Section 307 IPC was deleted but thereafter, again it was added.

6. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioners. Consequently, the present petition is allowed and the petitioners are ordered to be released on regular bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

14.12.2023

*Bhumika*

(JASGURPREET SINGH PURI)  
JUDGE

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable:        | Yes/No |