

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207

CRM-M 18445 of 2023
Date of Decision: 13.07.2023

Harvinder Singh @ RubalPetitioner
Versus
State of HaryanaRespondent

2

CRM-M 19064 of 2023

Liyakat AliPetitioner
Versus
State of HaryanaRespondent

3

CRM-M 25106 of 2023

Prince ThakurPetitioner
Versus
State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Kulwant Singh Dhanora, Advocate
for the petitioner in **CRM-M 18445 of 2023**

Mr. Vibhor Bansal, Advocate
for the petitioner in **CRM-M 25106 & 19064 of 2023.**

Ms. Nidhi Garg, AAG, Haryana.

GURBIR SINGH, J (ORAL)

Since identical questions of law and facts are involved in all the
above said petitions, the same are being disposed of by this common order.

2. The petitioners have filed the present petitions praying for grant
of regular bail in case FIR No.632 dated 18.11.2022, under Sections 395,
379-B, 341, 506, 201, 34 IPC, registered at Police Station Pinjore, District
Panchkula Haryana.

3. Custody certificates as well as replies by way of affidavit of Ram Kumar, HPS, Assistant Commissioner of Police, Kalka, on behalf of respondent-State, have been filed. The same are taken on record.

4. The case in question was registered at the instance of HC Hardeep Singh. As per allegations, at about 11 p.m. on 17.11.2022, he had gone to the house of his friend Monu at Himshikha. On 18.11.2022, he was returning to join his duty in his car. It was 12.10 AM, when he reached in the middle of Kaushalaya Bridge, then from Himshikha side, Car No.HR49E2721 and one Safari Car No.9479, in which four persons were sitting came from behind. Car stopped in front of the car of the complainant whereas Safari car stopped behind his car. The complainant stopped his car on the bridge. When he tried to come out of his car, a boy riding a motorcycle came from behind. Then all the said five persons started fighting with him. Despite the complainant having informed them that he was a police official, said young boys kept on beating him. They snatched his purse containing I card, ATM Card and a sum of Rs.8,000/- besides his uniform i.e. pant, shirt, belt and cap and went away towards Himshikha on their vehicles. While running away, they threatened to kill the complainant in case, he told this incident to anyone. The said boys also gave slaps and punches on his face apart from inflicting kick blows. He called his friend named Monu on his mobile phone who came on the spot after some time. He also disclosed the name of the petitioner and other persons as accused.

5. Learned counsel for the petitioners have submitted that petitioners have been falsely implicated. They have been in custody since 18.11.2022. Challan has already been presented and charges have been framed. The entire story is concocted.

6. As per the FIR, the police reached the spot and sent the complaint after making endorsement at 3.25 am on 18.11.2022. The names of the petitioners are mentioned but FIR was registered later on the same day at about 16.25 hours. Vide Annexure P-4 attached in CRM-M-25106-2023, an application was moved to SMO, SDH Kalka at 3.30 A.M. for Medico Legal Examination of the complainant where FIR number is written. It is also written that some unknown persons had caused injuries to the complainant. Copy of the MLR is Annexure P-5. The complainant is shown to have been examined at 3:45 hours. He has also placed on the file copy of FIR No.631 dated 18.11.2022, registered in the same police station. In the said case, the information was received at about 12:40 hours and FIR was registered. The petitioners were not armed with any weapon. The petitioners were not involved in the instant cases. The injuries on the person of the complainant are simple in nature. Completion of trial will take a long time, so, the petitioners are entitled for bail.

7. On the other hand, the prayer is opposed by learned State counsel who submits that from the call details records, it is established that petitioners were present at the spot at the time of occurrence. She submits that they are involved in the crime in question. They had caused injuries to a member of the police force and also snatched his articles and uniform, so they are not entitled for bail.

8. Heard.

9. Challan has already been presented in this case and charges have been framed. Petitioners are in custody since 18.11.2022.

10. On asking, learned State counsel has failed to explain when names of the petitioners were duly recorded in the complaint which was sent

to the police station at 3:25 hours on 18.11.2022 from the place of occurrence and how in the application to the SMO which was moved at 3.30 pm, it is written that some unknown persons had caused injuries. Petitioners were not armed with any weapons. Injuries on the person of complainant are simple in nature.

11. Without commenting anything on merits of the case, considering the custody period and the fact that the completion of trial will also take a long time, no useful purpose would be served by keeping the petitioners behind bars for a long period.

12. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on regular bail subject to their furnishing personal bonds to the sum of Rs.1 lakh with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate concerned. The petitioners shall also abide by the following conditions:-

- 1. The petitioners shall give his mobile number to the Trial Court and get the same registered, on which SMS shall be received from the CIS and shall not change his mobile number during pendency of the case.*
- 2. The petitioners shall not change their residence without prior intimation to the SHO concerned and the trial Court.*
- 3. The petitioners shall appear before the Trial Court on each and every date of hearing.*
- 4. The petitioners shall not close/block their mobile till the disposal of the case.*

13. The Trial Court is at liberty to impose any other condition that it may deem appropriate. It is further clarified that in case of default of any of the conditions, then the concerned Court is competent to cancel the bail granted to the petitioners.

14. Nothing stated herein above be construed as a final expression of opinion on the merits of the case and the Trial Court would proceed independently of the observations above, which have only been made for the purpose of adjudication of the present petition for grant of regular bail.

(GURBIR SINGH)
JUDGE

13.07.2023

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No