

CRM-M-40871-2023

-1-

(229)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-40871-2023

Date of Decision: 24.08.2023

KARAN SINGH

... Petitioner

Versus

STATE OF HARYANA

...Respondent

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Amit Choudhary, Advocate  
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G., Haryana.

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**JASJIT SINGH BEDI, J.**

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.09 dated 07.01.2023 registered under Sections 307, 387, 201, 120-B, 34 IPC and Section 25 of Arms Act, 1959 at Police Station City Tohana, District Fatehabad.

2. The brief facts of the case are that the statement of Vikram @ Vicky son of Sh. Shyam was recorded to the effect that he was posted as a Manager at B-13 Food Court in Tohana. On 07.01.2023 at about 06.50 PM, while he was sitting on the counter, one young boy came near the counter, gave him a slip and suddenly turned back and started going outside. When he (complainant) followed that boy outside, the same boy suddenly fired three shots towards the inside which hit the glass of the main gate and the gate was broken. When he saw outside on the road, he found two boys were sitting on the bike and the same boy was accompanying the two boys on the bike and had gone towards the railway station. The bullet could have struck him

CRM-M-40871-2023

-2-

(complainant) if he had not turned around. On the slip, the name of boxer gang Tohana was mentioned along with a demand of Rs.50,00,000/-. At the time of the incident, the owner of the Food Court Deepak and Jagdeep were also present. The CCTV footage was examined and the person who came inside was identified as Rohit @ Tinda. Legal action was sought against him along with his companions for demanding a ransom of Rs.50,00,000/- and threatening to kill by firing shots.

3. The learned counsel for the petitioner contends that the petitioner is not named in the present and nor has any injury been attributed to him. The name of the petitioner figured in the disclosure statement of his co-accused. The best because of the prosecution against the petitioner is that he was standing outside along with one other person and they had taken away the main accused from the alleged place of occurrence. As the co-accused of the petitioner namely, Sunil Kumar, Dheeraj, Krishan @ Boxer and Lakhwinder @ Lakhu had been granted the concession of bail vide orders dated 10.03.2023, 01.05.2023, 26.05.2023 and 20.07.2023 (Annexures P-2 to P-5), the petitioner was entitled to the similar relief as he was in custody since 09.01.2023 and none of the 31 prosecution witnesses had been examined so far.

4. On the other hand, the learned State counsel contends that serious allegations have been levelled against the petitioner and his co-accused. They were not only demanding ransom but had also made an attempt on the life of the complainant. A motorcycle also came to be recovered from the petitioner. Therefore, the serious nature of the allegations levelled against the petitioner, did not entitle him to the grant of bail. He,

CRM-M-40871-2023

-3-

however, concedes that some of the co-accused of the petitioner have been granted the concession of bail as also the fact that the petitioner is a first-time offender, in custody since 09.01.2023 and none of the 31 prosecution witnesses have been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be a matter of adjudication during the course of trial. Admittedly, the petitioner is a first-time offender, in custody since 09.01.2023 and none of the 31 prosecution witnesses have been so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Karan Singh son of Richhpal Singh is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case.

9. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

CRM-M-40871-2023

-4-

10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.
11. The petition stands disposed of.

(JASJIT SINGH BEDI)  
JUDGE

24.08.2023  
JITESH

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