

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

208

**CRM-M-59636-2023
Date of decision: 01.12.2023**

ASHWANI @ KOKI

....Petitioner

Versus**STATE OF HARYANA**

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. S.K. Sirsa, Advocate
for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

Through this petition, filed under Section 439 Cr.P.C., relief of regular bail has been sought in case FIR No.414 dated 19.07.2023, under Sections 384, 506 and 34 of IPC, registered at Police Station, Adampur, District Hisar.

2. The brief allegations against the petitioner as herald by learned Additional Sessions Judge, Hisar, in his order dated 02.11.2023, vide which the bail application preferred by the petitioner has been dismissed, the same reads as under:-

“Brief facts of the case are that on 19.07.2023, SI Krishan Kumar was present in the Police Station. Complainant Sunil son of Prem Parkash arrived and presented an application to the effect that he ran a mobile shop, in front of Gate No.3 of Grain Market, Adampur. On 18.07.2023, at about 8.10 p.m., three unknown boys came to his shop. At that time, he was not present in the shop and his relative Kuldeep son of Shri Joginder was present in the shop. They asked Kuldeep to deliver Rs. 20,000/- but Kuldeep replied that he was not having money as the owner was not present. One of the boys took out a knife and tried to hit Kuldeep but he saved himself. This incident was recorded in CCTV camera installed at his shop. On checking the CCTV footage, it was found that out of those boys, one was Ashwani @Koki, another was Sohil @ Kalu and the third boy was Ajay @ Kalia. The complainant pleaded for appropriate action against

the assailants.”

3. Learned counsel for the petitioner submits that all the three boys, who are in their young age of 18, 19 and 20, were playing cricket outside the shop of the complainant, thereafter, an altercation took place and then they entered into the shop of the complainant. Learned counsel for the petitioner further submits that the theory of demanding of Rs.20,000/- is totally false. Learned counsel for the petitioner also submits that the petitioner is behind the bars since 21.07.2023, and all the offences are triable by Judicial Magistrate First Class and conclusion of trial will take long time.
4. On the other hand, learned State counsel vociferously opposed the grant of regular bail to the petitioner and submits that the whole incident was recorded in the CCTV camera, which is installed at the shop of complainant. Learned State counsel, on instructions from SI Krishan Kumar, further submits that the final report has been filed before the learned trial Court concerned on 29.08.2023, and charges were framed on 13.10.2023 and there are total 06 prosecution witnesses, which are yet to be examined.
5. Be that as it may, considering the fact that the petitioner is of 18 years of age and the allegation *qua* demanding of Rs.20,000/-, is a matter of trial, which is to be established by the prosecution by way of evidence and considering the fact that the petitioner is behind the bars since 21.07.2023, and all the offences are triable by Magistrate, therefore, this Court deems it appropriate to extend the benefit of regular bail to the petitioner. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.
6. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

01.12.2023
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No