



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

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**CRM-M-12615-2024
Date of Decision: 15.07.2024**

Akash @ Sonu ...Petitioner
Vs.
State of Haryana ...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Anil Kumar Malik, Advocate, for the petitioner.
Ms. Sheenu Sura, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.425 dated 07.08.2023 registered under Sections 341, 323, 324, 307 and 34 of IPC, at Police Station City Fatehabad, District Fatehabad.
2. Present FIR was lodged on the complaint made by Bablu son of Ram Kishan on the allegations that he is doing scrap work (junk-dealer) in village Sisay, Hansi. On 07.08.2023, he and his younger brother Sunny, Suresh @ Keshu son of Dharampal and Vikram @ Vicky son of Mahabir, residents of village Jandwala Sottar, Fatehabad had come to Fatehabad Court for appearance in a case. In the year 2019, Lakhan Pal son of Desh Raj Bawaria, resident of village Ayalki came to his house and quarreled with him, upon which they caused injuries to said Lakhan Pal and in this regard a case was



registered against him in Police Station Sadar, Fatehabad, due to said reason, Lakhan Pal and his friend Sonu son of Sher Singh and Rinku, residents of village Ayalki were having grudge against him. Complainant further alleged that due to said grudge, on 07.08.2023, at about 02:45 P.M., when all of them were going to chamber of Advocate and reached in the gallery, near Chamber No.158, then Lakhan Pal and his friends Sonu and Rinku stopped their way. Sonu gave stab (knife) blow on his chest, with intention to kill him; Lakhan Pal threw cold glass bottle towards head of his brother Sunny, petitioner which hit wall and broke; and Rinku also threw cold glass bottle towards the complainant. Complainant further alleged that Lakhan Pal and his friends Sonu and Rinku caused injuries to them with knife; after blocking their way, without any reason and requested to take legal action against the assailants.

3. Learned counsel for the petitioner contends that he has been falsely involved in the present case along with his co-accused. In fact, in the year 2019, Lakhan Pal, co-accused was mercilessly beaten up by the complainant and his real brother Sunny, petitioner. Lakhan Pal remained admitted in the hospital for about two months and one FIR No.130 dated 12.05.2021 under Sections 326, 324, 341 and 34 IPC at Police Station Sadar, Fatehabad was registered at the instance of Lakhan Pal. In July, 2023 the complainant party approached the parents of petitioner and Lakhan Pal for compromising the matter. However, there was a dispute with regard to the medical expenses in



the earlier case. On 07.08.2023 i.e. the date of occurrence, both the parties were present in the Court and all of a sudden the present complainant party had encircled the petitioner. During the scuffle, the complainant had fallen down on the broken glasses of cold drink bottles and suffered the injuries. Even the injured has already been discharged from the hospital long ago. The petitioner was arrested in the present case on 08.08.2023 and he is in custody since then. Learned counsel further contends that his co-accused persons namely Sandeep and Lakhan Pal have already been granted the concession of bail by this Court.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that two more cases have been registered against the present petitioner. However, he admits that he is on bail in the said two cases. Learned State counsel further admits that the petitioner is in custody for the last eleven months.

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

6. No doubt the petitioner is involved in two more cases, but he is on bail in both the cases. Apart from that, the pendency of other criminal cases is no ground to reject the bail in the present case as the petitioner has been able to make out of case for grant of bail in the peculiar facts and circumstances of the present case. Further, co-accused namely Sandeep and Lakhan Pal have already been



granted the concession of bail in the present case and the petitioner is in custody for last more than eleven months.

7. Thus, further custody of the petitioner at this stage is not warranted and the petitioner is entitled to be released on bail to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned subject to the following conditions:-

(i) *The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*

(ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*

(iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*

(iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*

(v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*

(vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*



(vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

15.07.2024

(N.S.SHEKHAWAT)

M.Sikka

JUDGE

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