

207+210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision:22.03.2024

(i) CRM-M-13262-2024

Anil Kumar ...Petitioner

vs.

State of Haryana ...Respondent

(ii) CRM-M-14074-2024

Rakesh Kumar Saxena @ Dabbu ...Petitioner

vs.

State of Haryana and another ...Respondents

Coram : **Hon’ble Mr. Justice N.S.Shekhawat**

Present : Mr. Manish Soni, Advocate
for the petitioner in CRM-M-13262-2024.

Mr. Deepam Ragav, Advocate
for the petitioner in CRM-M-14074-2024.

Ms. Sheenu Sura, DAG, Haryana

Kr. Prashant Singh Chauhan, Advocate
for the complainant/respondent No.2.

N.S.Shekhawat J.

1. This order shall dispose of above-said two petitions i.e. CRM-M-13262-2024, titled as Anil Kumar Vs. State of Haryana and CRM-M-14074-2024 titled as Rakesh Kumar Saxena @ Dabbu Vs. State of Haryana and another, whereby the petitioners have prayed for grant of bail to them in case FIR No. 52 dated 06.03.2023 registered under Sections 148, 149, 323, 324, 386, 506 of IPC and Section 25 of Arms Act (Sections 307, 285, 325, 120-B of IPC

added later on), at Police Station Gurgaon City, District Gurugram.

2. Learned counsel for the petitioner in CRM-M-13262-2024 submits that the petitioner has been wrongly named in the present case, whereas no other incriminating evidence was collected against him. Learned counsel further contends that the offence under Section 307 IPC has been wrongly added in the present case as the injuries suffered by the victim have been declared to be grievous in nature and no injury has been declared to be dangerous to life, as per the opinion of the medical Board (Annexure P-3). He further contends that the petitioner was arrested in the present case on 24.12.2023 and the final report under Section 173 Cr.P.C. has already been presented before the Court and now the next date of hearing before the trial Court is fixed on 03.04.2024 for framing of charge. He further contends that the petitioner is the first offender and was never involved in any other criminal activity.

4. On the other hand, learned counsel for the petitioner in CRM-M-14074-2024 contends that the petitioner was arrested in the present case on 24.12.2023 and is in custody for the last about 03 months. The final report under Section 173 Cr.P.C. has already been presented against him also. He further contends that the petitioner is the first offender and the conclusion of the trial may take quite a long time.

5. Learned State counsel, assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioners on the ground that both the petitioners are having no connection with Kuldeep and other hardened criminals of District Gurugram.

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

6. The petitioners were arrested in the present case on 24.12.2023 and are in custody for the last about 03 months. After completing the investigation, the challan has already been presented against them and there is little possibility of early completion of the trial before the trial Court. Thus, no purpose would be served by keeping the petitioners behind bars.

7. Consequently, both the petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) The petitioners 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 them to disclose such facts to the Court or to any other authority.
- (ii) The petitioners shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioners shall surrender their passport, if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.
- (v) The petitioners shall also file their affidavit before the concerned Court, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the pendency of the trial. In case of change of place of residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioners 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 petitioners.

(viii) The petitioners shall report every 1st and 3rd Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, they do not report on every 1st and 3rd Monday before the concerned SHO, it shall be viewed seriously and the concession granted to them shall be liable to be cancelled and the State of Haryana shall be at liberty to move an appropriate application in this regard.

22.03.2024

hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No