

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16679-2024
Date of Decision: 10.04.2024

Himanshu Sharma alias Hunny ...Petitioner
vs.
State of Haryana ...Respondent

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

Present : Mr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Ganesh Chand Sharma, Advocate and
Mr. Abhijeet Sharma, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, 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 regular bail in case FIR No.394 dated 31.08.2023 registered under Sections 148, 149, 308, 323, 324, 365, 379-B, 506, 511 of IPC and Sections 25-54-59 of Arms Act and Sections 326 and 120-B added later on, at Police Station Kheripul, Faridabad.
2. The FIR in the present case was registered on the basis of the statement made by Rakesh Sharma and the same has been reproduced below:-

*“To SHO Saheb Police Station Khedi Pul, Faridabad
Sir, the request is that I am Rakesh Sharma S/o Sh Late
Khemchand Sharma, resident of H.No 1157, SEC 17, Faridabad.
Today I came to my daughter's house warming ceremony at OMEX
HEIGHTS Faridabad where Surendra Sharma s/o Ramesh
Sharma, Himesh Sharma s/o Surendra Sharma and Surendra
Sharma's brother-in-law's son Himanshu S/o Shlokes. Kamal*

alias Kammu S/o Lokesh were trying to kidnap my son Lakshya by forcefully taking him along with 12 to 15 boys in vehicle number HR-87D-5519 and HR-51CE-6933. When I reached there, they started beating me. I tried to protect myself. When the noise was raised, Dinesh Sharma S/o Ramesh, Sachin Sharma S/o Ramesh Sharma came to the rescue. The above people also attacked them with swords, knives, sticks, sticks and rods and pistols. With the intention of killing Dinesh, Himesh hit him on the head from the front with the sword in his hand. Surendra hit me on the head with the stick in his hand. And Kamal and Himanshu with rods and sticks Started beating Sachin and Lakshya. 10-12 people who came with them started kicking and hitting us with sticks who fell on the ground. Where in I and Dinesh sustained serious injuries. During the fight Kamal alias Kannu snatched the gold chain from the neck of Sachin and Himanshu snatched 7000 (seven thousand rupees) from the pocket of the Lakshyay. When the accused started dragging the Lakshyay and made them sit in their car On the spot, Khushag (Khushag) SO Vipin came and made noise. When people came on the spot, the accused while leaving said that today you have survived and if get a chance in future, will end your life. Strictest action be taken against the above mentioned people. Rakesh Sharma, 9810301257. Attested Raj Kumar, ASI PS Kheripul FBD, dated 01.09.2023.”

3. Learned Senior counsel appearing on behalf of the petitioner contends that both the parties in the present case were known to each other and are also relative. He further contends that as per allegations levelled by the complainant, the petitioner had allegedly attacked Sachin and Lakshya with sticks and thereafter, Himanshu, accused had snatched Rs.7,000/- from the pocket of Lakshya. He further contends that from a perusal of the CCTV footage, it is evident that the allegations have been exaggerated by the

complainant in the present case and in fact, no such incident had happened. Learned counsel further contends that even the complainant side had concealed the genesis of the occurrence and got the FIR registered by concocting a false story, just to involve the petitioner in the present case. Learned counsel further submits that the co-accused Surender Sharma, Himesh Sharma, Kamal Sharma, Vishesh Deshwal and Vinay Verma have already been granted the concession of bail and further custody of the petitioner will not serve any meaningful purpose. Learned Senior counsel further contends that the petitioner was arrested in the present case on 05.01.2024 and the final report under Section 173 Cr.P.C. has already been presented before the competent Court.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned Senior counsel for the petitioner on the ground that serious and specific allegations have been levelled against the present petitioner in the present case. However, he could not dispute the fact that similarly placed co-accused Surender Sharma, Himesh Sharma, Kamal Sharma, Vishesh Deshwal and Vinay Verma have already been granted the concession of bail by this Court as well as the trial Court. Apart from that, the injured has already been discharged in the present case.

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

6. The petitioner was arrested in the present case on 05.01.2024 and is in custody for the last more than 03 months. The final report under Section 173 Cr.P.C. has already been presented before the competent Court and there is a remote possibility of early conclusion of the trial in the present case. Thus, no purpose would be served by keeping the petitioner behind bars.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

10.04.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No