



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.18975 of 2024
Date of Decision: 12.08.2024

Sameer ... Petitioner
Versus
The State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Jatin Bansal Kotshamir, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
39	21.01.2024	Ladwa, District Kurukshetra	148, 149, 307, 323 and 506 of IPC

2. Facts relevant for the purpose of disposal of the present petition are that on 20.01.2024, on receipt of a ruqa regarding admission of the injured complainant Rajesh Sharma and Surjit in Government Hospital, Ladwa and then about referring them to Civil Hospital, Kurukshetra, a police party reached at the Civil Hospital, Kurukshetra on 21.01.2024 and recorded statement of complainant Rajesh Sharma who was admitted therein, to the effect that he was running a brick kiln at Village Bani. On 19.01.2024, he had removed the services of his driver Rakesh as he was not performing his job satisfactorily. On 20.01.2024 at

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about 5:15 PM when he was present in a brick kiln then the accused Rakesh along with the co-accused Parmod, Sahil, Suraj and Nirmal reached in his brick kiln. At that time, the complainant was having conversation with his accountant Surjit with regard to clearance of the account of the accused Rakesh. The accused Parmod while proclaiming as to who he was to clear their accounts, opened an assault upon the complainant and Surjit. Due to fear, the complainant rushed towards his office to inform the police. Then all five of them started assaulting Surjit. The complainant along with witnesses Vikram and Sanjay Kumar tried to rescue Surjit but he was pushed on the ground. Thereafter, accused Rakesh tried to run the complainant over with a tractor by driving the same, with an intent to kill him. The co-accused Parmod, Sahil, Suraj and Nirmal gave him kicks while he was lying down. Accused Sahil struck a blow with danda. The accused Parmod took a sum of Rs.90,000/- from his pocket and then all of five fled from the spot while extending threats to him. He prayed for taking action in the matter. After registration of FIR, investigation proceedings were initiated. The name of the petitioner as one of the assailants had been disclosed by co-accused Parmod in his disclosure statement on the basis of which he was arrested in this case on 27.01.2024. The remaining accused were also arrested. The investigation has since been completed and challan stands presented. The petitioner had moved application for grant of regular bail before the trial Court which had been dismissed vide order dated 03.04.2024. He has been extended benefit of interim bail in this case vide order dated 06.05.2024.

3. It is argued by learned counsel for the petitioner that he has

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been falsely implicated in this case. He was not named in the FIR and has been involved in this case on the basis of disclosure statement of co-accused Parmod which cannot be considered to be admissible in evidence. He is in custody since 27.01.2024. His custodial interrogation is no more required. He remained in custody since 27.01.2024 till passing of order dated 06.05.2024. He has not misused the concession of interim bail so granted. All the injuries found on the person of the complainant Rajesh Kumar have been declared to be simple in nature. No injury had been attributed to him. The trial is likely to take time. No useful purpose would be served by detaining him in custody again. Therefore, it is argued that the petition deserves to be allowed.

4. Per contra, it is argued by learned State counsel that keeping in view the severity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record.

6. The petitioner along with the co-accused is alleged to have formed membership of an unlawful assembly and in prosecution of common object of that unlawful assembly, he is alleged to have assaulted the complainant Rajesh Sharma and his accountant Surjit on 20.01.2024. He was not named in the FIR and has been implicated on the basis of disclosure statement of the co-accused Parmod. He himself surrendered in the Court on 27.01.2024 and had been ordered to be released on interim bail vide order dated 06.05.2024. Investigation has since been completed. There is nothing



on record to show that he has misused the concession of interim bail so granted to him. The trial is likely to take time. Keeping in view the period of incarceration of the petitioner, the role attributed to him, the fact that the complainant is shown to have sustained simple injuries and the attendant facts and circumstances but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner-Sameer deserves to be given concession of bail. Hence, the petition is allowed and the order dated 06.05.2024 thereby granting interim bail to the petitioner-Sameer is hereby confirmed. It is hereby clarified that the petitioner shall furnish personal and surety bonds before the learned trial Court if they are not so furnished in pursuance of order dated 06.05.2024 so far.

12.08.2024
manju/Parveen Sharma

(MANISHA BATRA)
JUDGE

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