



IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-24059-2024  
Date of decision:-22.08.2024

Sandeep

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Ankur Lal, Advocate  
for the petitioner.  
  
Mr.Sharad Aggarwal, DAG, Haryana.

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SUVIR SEHGAL, J. (ORAL)

1. This second petition has been filed under Section 439 Cr.P.C.  
seeking grant of post-arrest bail in:-

| FIR No. | Dated      | Police Station      | Sections                                                     |
|---------|------------|---------------------|--------------------------------------------------------------|
| 233     | 29.09.2021 | City, Charkhi Dadri | 323, 324, 307, 506, 34<br>IPC and Section 25 of<br>Arms Act. |

2. Case of the prosecution is that FIR Annexure P1 has been  
registered on the complaint of Lali stating that in the afternoon on  
28.09.2021 when she and her daughter, Payal, were standing in front of their  
house, Sandeep (present petitioner), Shivam @ Shibadi and Shubham,



abused and assaulted them. Sanjay son of Shyam Lal also joined them. Sandeep gave a blow with iron rod on Payal. Complainant and her daughter managed to save themselves and were admitted in a Government hospital, where they were again attacked by the accused in the evening. Accused were armed with knives and the complainant allegedly received an injury on her hand and in the stomach. While fleeing from the spot, the accused assaulted Akshya, Ankit and Harsh, who had come to the hospital to meet the complainant.

3. Counsel for the petitioner has argued that offence under Section 307 IPC cannot be attributed to the petitioner. By referring to the testimony of the witnesses, appended as Annexure P4, he submits that all the material prosecution witnesses have been examined and there are inconsistencies in their testimonies. He submits that as the trial is likely to take time to conclude, petitioner is entitled to be released on bail. He asserts that after the previous petition was withdrawn from this Court on 18.12.2023, some more witnesses have been examined.

4. *Per contra*, State counsel, upon instructions, has opposed the petition. By referring to the deposition of material witnesses, he submits that the petitioner is accused of stabbing the complainant and the offence under Section 307 IPC is specifically attributed to him. As per his instructions, eleven out of sixteen prosecution witnesses have been examined. He has filed custody certificate dated 21.08.2024, which is taken on record. He submits that the petitioner has been named as an accused in a number of criminal cases and stands convicted for offence under Section 6 of POCSO



Act, 2012.

5. I have heard counsel for the parties and considered their respective submissions.

6. Petitioner has been in detention for the last more than 34 months and the prosecution is yet to examine five more witnesses. All the vital prosecution witnesses, including the complainant, have been examined. There is remote possibility of an early conclusion of the trial. This Court is, therefore of view that the prayer in the petition deserves to be acceded to, though some conditions should be imposed upon the petitioner.

7. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned, subject to the following conditions:

(i) During the pendency of the trial, petitioner shall report at the police station concerned on the first Monday of every month;

(ii) petitioner will supply his mobile number to the IO/SHO of the police station concerned and will keep it active throughout. IO/SHO would make random calls on his mobile to keep a check on the activities of the petitioner; and

(iii) petitioner shall furnish an undertaking by way of an affidavit that he will not indulge in any unlawful activity during the pendency of the trial.

In case, the petitioner violates any of the conditions, it shall be open to the prosecution to seek cancellation of bail.



8. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)  
JUDGE

22.8.2024  
Brij

|                           |        |
|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |