

2024:PHHC:104787



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.25850 of 2024
Date of Decision: 12.08.2024

Suraj Kumar ... Petitioner

Versus

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

2024:PHHC:104787



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 about 5:15 PM, when he was present in his brick kiln then the petitioner-Suraj Kumar along with the co-accused Rakesh, Parmod, Sahil 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 petitioner-Suraj Kumar and co-accused Parmod, Sahil 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 petitioner was arrested in this case on 24.01.2024. 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 15.05.2024. He has been extended benefit of interim bail in this case vide order dated 27.05.2024.

2024:PHHC:104787



3. The present petition has been filed by the petitioner on the ground and it is argued by his counsel that he has been falsely implicated in this case. He was arrested on 24.01.2024 and has been released on interim bail in terms of order dated 27.05.2024. Investigation stands completed. His custodial interrogation is no more required nor any recovery is to be effected from him. The allegations against him were that he along with the co-accused had given kicks to the complainant while he was lying on the ground. The injuries on the person of the complainant have been diagnosed to be simple in nature. No such injury which could be stated to be dangerous to life has been attributed to him. Nor there is any allegation that he had made any attempt to kill the complainant. The trial is likely to take time. No useful purpose would be served by detaining him in custody again. Therefore, it is urged 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 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 given kicks to the complainant while he was lying on the ground. He was taken into custody on 24.01.2024 and was released on interim bail on passing of order dated 27.05.2024. There is nothing on record to show that he has misused the concession so granted.



The trial is likely to take time. His further custodial interrogation is obviously not required. No useful purpose would be served by detaining him in custody again. Keeping in view the period of incarceration of the petitioner, the part attributed to him in the occurrence 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 petition deserves to be allowed. The same is accordingly allowed. Hence the order dated 27.05.2024 thereby granting interim bail to the petitioner-Suraj Kumar 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 27.05.2024 so far.

12.08.2024
manju/Parveen Sharma

(MANISHA BATRA)
JUDGE

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