



CRM-M-31515-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-31515-2024
Date of Decision: 25.10.2024

Ishant Yadav

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Sachin Bhardwaj, Advocate and
Mr. Rohit Mittal, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG Haryana

KIRTI SINGH, J.(Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.302 dated 26.10.2023, under Sections 332, 333, 353, 395, 307, 186, 148, 149, 506 IPC registered at Police Station Kosli, District Rewari.

2. Learned counsel for the petitioner submits that the entire story narrated in the FIR is self contradictory as the complainant who were the police official claiming themselves to be on duty were found to have consumed Alcohol for which he relies upon the MLR dated 25.10.2023 and the story narrated in the FIR is highly improbable. He further submits that the petitioner is in custody since 26.10.2023 and has clean antecedents. He also submits that there is a cross version

case lodged by the petitioner's side against those officials. Learned counsel further

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submits that no specific role has been attributed to the petitioner and he was nominated on the basis of disclosure statement made by the main accused Ramehar against whom there were specific allegations and he has already been granted regular bail by this Court vide order dated 24.05.2024 passed in CRM-M-25167-2024. He further submits that other co-accused have also been granted the concession of regular bail by this Court vide order dated 23.04.2024 passed in CRM-M-18456-2024, vide order dated 09.05.2024 passed in CRM-M-22225-2024, vide order dated 09.05.2024 passed in CRM-M-22020-2024. He further submits that challan in the present case was presented on 03.08.2024 and out of 16 prosecution witnesses, none has been examined till date.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody certificate, the petitioner has undergone actual custody of 05 months and 17 days and there is no other case registered against him. He further submits that the challan was presented on 03.08.2024 and out of 16 prosecution witnesses, none has been examined. He, however, submits that there are serious allegations against the petitioner and he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the challan has been presented on 03.08.2024 and no prosecution witness has been examined till date. The petitioner has undergone actual custody of 05 months and 17 days. Therefore, this Court is of the view that further incarceration of the petitioner would not serve any purpose.



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7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which she is suspected.
- (v) The petitioner 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(KIRTI SINGH)
JUDGE

25.10.2024
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No