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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31553-2024

Date of Decision:- 18.10.2024

NIKESH KUMAR @ NIKKI

....Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Sudhir Rana, Advocate for the petitioner.
Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

AMARJOT BHATTI, J.

1. Petitioner has filed instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.87 dated 10.03.2019 under Sections 147, 148, 149, 323, 307, 506, 216 and 201 of IPC and Section 25 of Arms Act registered at Police Station Dharuhera, District Rewari.

2. As per facts of the case, complainant Rajesh stated that on 09.03.2019 there was marriage ceremony of his nephew Arun. Their neighbour Dinesh along with 2-3 boys were roaming with the intention to tease. They tried to make him understand but he did not listen. On 10.03.2019 at about 10.30 am they again went to his shop telling him to mend his ways. At about 3.30 pm he was going on his car make Creta number 'applied for' and when he reached Khatawali bus stop three i20 Cars and 2/3 motorcycles came there on the way and stopped him. 15-20 boys alighted from the said vehicles. Out of them, there was Dinesh,



Sandeep, Deepak and other boys were not known to him. Dinesh fired gun shot towards him and he fell down. He fired another shot which closely passed away. Other boys started giving him beating with *dandas*. His car was also damaged. On seeing people gathering there they left the spot.

3. Learned counsel for petitioner argued that he was not named by the complainant. He was named by co-accused Sandeep in his disclosure statement. He was arrested on 19.05.2024 and since then he is behind the bars. His regular bail application has been wrongly declined by the learned Additional Sessions Judge vide order dated 12.06.2024. He will abide by the terms of bail order. Therefore, his regular bail application may be allowed.

4. Detailed status report has been filed. It is confirmed that present petitioner was named by co-accused Sandeep. Copies of his disclosure statements are Annexure R-1 and R-2. Accused Amit and Nikesh claimed that they had thrown *dandas*, as a result, offence under Section 201 IPC has been added later-on. After completion of investigation, challan is already presented on 05.07.2024 and it is fixed for framing of chargesheet. There are serious allegations against petitioner. Therefore, he is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record. Present petitioner has already joined the investigation and he is behind the bars since 19.05.2024. Charge-sheet is yet to be framed. Therefore, trial of this case is likely to take some time.

Considering the aforesaid factual position, without going on the merits of case, bail application is allowed. Petitioner Nikesh Kumar @



Nikki is ordered to be released on bail to the satisfaction of trial Court/Duty Judge, concerned.

7. Pending application (s) if any also stands disposed of.

(AMARJOT BHATTI)
JUDGE

18.10.2024
snd

Whether speaking/reasoned: Yes/No.
Whether reportable: Yes/No