



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-32061-2024
Date of decision: 8th August, 2024

Himanshu @ Aryan
...Petitioner(s)
Versus
State of Haryana
...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Kunal Dawar, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
256	12.04.2024	City Ballabgarh, Faridabad, Haryana	307, 323, 324, 341, 506 and 34 of IPC, 1860 and Section 25 of Arms Act, 1959 (Section 120-B of IPC added later on)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of written complaint lodged by complainant Akash alleging therein that on 11.04.2024, the accused Sugnesh had a quarrel with his brother Varun. The complainant along with his brother Varun and father had gone to the police post to give report about the incident. While, they were going back towards



their house, the complainant was riding his bike along with his friend Bunty. When they reached at Sihi Gate road, suddenly, the accused Sugnesh and Bhagat reached there and after stopping their motorcycles, they opened an attack upon the complainant with *danda* and sua which they were carrying in their hands. Accused Sugnesh struck blow with sua whereas accused Bhagat struck blows with danda. On rescue alarm being raised by them, both of them fled away. The cause of grudge was that previously also a dispute had taken place between them and the matter was reported to the police. Investigation proceedings were initiated. During the course of investigation, accused Sugnesh and Bhagat Singh were arrested. Bhagat Singh suffered a disclosure statement to the effect that the present petitioner had disclosed the location of the victim to him at the time of occurrence. On the basis of his disclosure statement, the petitioner was also arrested on 16.04.2024. He too suffered disclosure statement admitting his involvement in this case. Investigation has since been concluded and challan has been presented in the Court. The petitioner had moved an application for grant of regular bail before the Court of learned Additional Sessions Judge, Faridabad which was dismissed vide order dated 31.05.2024.

3. It is argued by learned counsel for the petitioner that he is in custody since 16.04.2024. He was not named in the FIR and has been involved in this case on the basis of alleged disclosure statement of the co-accused. Neither any injury has been attributed to him nor his presence at the spot has been established. The trial is likely to take time. No useful purpose would be served by keeping him in custody. Hence, it is argued that he



deserves to be extended benefit of bail.

4. Status report has been filed. It is submitted therein and it is argued by learned State counsel that there are serious allegations against the petitioner as infact, he was the main conspirator of the subject crime and provided danda(sticks) and knife to the co-accused which was used by the latter to inflict injuries on the person of the victim Akash. The call detail records of the petitioner and co-accused Bhagat Singh had been collected which showed conversation between them just before the occurrence and after the occurrence. It is submitted that there are chances of petitioner's intimidating witnesses or absconding, if extended benefit of bail. Therefore, it is urged that petition deserves to be allowed.

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

6. The petitioner is in custody since 16.04.2024. Investigation has since been completed. Trial has commenced and is likely to take time. Admittedly, the petitioner was not present at the spot of occurrence and the injuries on the person of the victim have not been attributed to him. He was not nominated as an accused in the FIR. He was nominated on the basis of disclosure statement of co-accused. It is a matter of trial as to whether the petitioner had hatched any conspiracy with the co-accused and in pursuance thereof, they had made an attempt to kill the victim. No useful purpose would be served by keeping the petitioner in custody any more. At this stage, there is no basis for the contention that he may abscond or intimidate



the witnesses. He has a permanent abode. Keeping in view of period of incarceration of the petitioner. Taking into consideration the period of incarceration of the petitioner, the fact that the trial is likely to take time and the attendant facts and circumstances of the case, but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petitioner deserves to be released on bail at this stage. Hence, the petition is allowed, the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

8th August, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |