

CRM-M-34502-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34502-2024
Reserved on: 12.08.2024
Pronounced on: 30.08.2024

Gourav @ Golu ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Geeta Rani, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. AG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
229	13.04.2024	Samalkha, District Panipat	148, 149, 195-A, 285, 506, (Section 120-B IPC added later on) and 25 of Arms Act

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.

2. Para 19 of the petition reads as follows:-

“19. That as per the information received to the counsel, the petitioner is not involved in any other case except this present FIR and two other cases as per reply filed by police before learned Sessions Court.”

3. The facts and allegations are being taken from the order dated 21-05-2024, passed by this Court in CRM-M-24601-2024, which reads as follows:

“Brief facts of the case relevant for the purpose of disposal of this application are that complainant Parveen son of Puran has moved a complaint to SHO, Police Station, Samalkha, stating therein that he is resident of village Chulkana and he is an agriculturist. On 26.07.2018, Rishi son of Shyam Lal, resident of Chulkana in collusion with their companions has committed the murder of Sompal, who is son of his Tau/uncle Ruhala Ram, resident of Chulkana, in which, police after taking legal action, arrested Rishi and his companions and that matter is being adjudicated before the court and in that case Rishi and his companions are still confined in Jail. On 12.04.2024, Rishi had been released on bail and came to village in the evening. Rishi came in convoy of 20-25 vehicles having 70-80 persons, in which, Rishi son of Shyam Lal, Sandeep son of

Shyam Lal, Sonu son of Pritam, Vishal @ Dhuma son of Ashok and other persons were involved, which can be identified after seeing them, came in convoy and started to burn firecrackers in street and also made two fires and they also made lot of noise. The person who had fired, they do not know his name. After seeing such type of terror, he and his family members did not come out from the house. If they would get out from the house, then, they could have to kill to him or his family members. He and any member of his family member did not sustain any injury. Rishi has extended the threatening that if he will depose the statement against him, then, he will kill him. He and his family members are having the apprehension of life from Rishi and his companion and thus, prayed that legal action may kindly be taken against the accused persons. On this complaint, formal FIR No. 229 dated 13.04.2024 under Sections 148, 149, 195A, 285, 506 IPC and 25 Arms Act was got lodged with Police Station, Samalkha. The investigation was carried out by SI Manoj Kumar, Police Station, Samalkha. During investigation, statements of witnesses were got recorded. Site plan of the place of occurrence was got prepared. On 13.04.2024, co-accused Hardeep @ Dastan son of Mahender Singh, Vishal @ Dhuma son of Ashok, Nitin son of Ashok, Sandeep son of Shyam Lal, Gobind son of Hawa Singh, Gopal @ Dipanshu son of Hawa Singh, Gaurav @ Golu son of Shivpal, Azad son of Rishipal, Sanju son of Satpal, Satpal son of Manglu Ram, Parveen son of Fateh Singh, Hawa Singh son of Manglu, residents of village Chulkana, Police Station, Samalkha, District Panipat were got arrested. Then, offence under Section 120-B IPC was got added. The accused persons have suffered their disclosure statements. In pursuance of their disclosure statement, memo of demarcation was got prepared. Thereafter, the investigation was carried out by HC Pushpender. On 18.04.2014, accused Naresh son of Puran son of Dale Ram, resident of Chulkana, Police Station Samalkha, District Panipat at present tenant of Dharambir Jaurasi, Gandhi Colony, Samalkha, District Panipat was joined in the investigation and he was got arrested in the present case. He has suffered his disclosure statement. On 23.04.2024, accused Rohtash @ Sonu @ Mota son of Roshan Lal, resident of village Nohra, District Panipat has been arrested in the present case. He was interrogated. He has suffered his disclosure statement. In pursuance of his disclosure statement, memo of demarcation has been got conducted. The vehicle make Endeavour bearing registration no. HR-51BN-0004 was got recovered from the possession of the applicant-accused, which was taken by the police in their possession vide recovery memo. On 24.04.2024 accused has been produced before learned Magistrate and thereafter he was sent to judicial custody. On 01.05.2024, during investigation, accused Vipin son of Tejpal, resident of Lalupura, Gharaunda, District Karnal, Ravinder @ Ganja son of Rampal Saini, Ravi @ Sulad, resident of Chulkana, Samalkha Panipat were arrested. On 02.05.2024, Vipin son of Tejpal, Ravinder @ Ganja and Ravi @ Sulad have been produced before learned Magistrate and thereafter they were sent to judicial custody.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

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5. The State’s counsel opposes bail and refers to the reply.
6. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, as per paragraph 15 of the bail petition, the petitioner has been in custody since 13.04.2024 and accordingly, the petitioner’s total custody in this FIR is more than five months. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order.
7. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.
8. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
9. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	
10. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.
11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
12. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

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13. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.