



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

214

**CRM-M-36009-2023****Date of decision: 29.07.2024****SURAJ @ KALIA**

....Petitioner

V/s

**STATE OF HARYANA**

....Respondent

**CORAM: HON'BLE MR. JUSTICE MANJARI NEHRU KAUL**

Present: Mr.Sahir Singh Virk, Advocate for  
Mr.V.B.Godara, Advocate for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

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**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.54 dated 03.02.2023 under Sections 147, 149, 323, 341 and 307 of the IPC registered at Police Station Adampur, District Hisar.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case; there is no specific attribution qua him in the alleged occurrence. It has also been submitted that though in the initial occurrence, the petitioner had been named, however, thereafter it is not the case of the complainant that the petitioner had in any manner participated in assaulting the complainant party. Learned counsel further submits that since the challan has been presented further incarceration of the petitioner would serve no useful purpose as none of the 13 prosecution witnesses have been examined till date.

3. Per contra, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. She has placed on record the custody certificate of the petitioner. It has been submitted by the



learned State counsel that a perusal of the custody certificate clearly reveals that the petitioner is a man of criminal antecedents and is involved in a number of serious and grave offences under the Indian Penal Code as well as under the NDPS Act. Learned State counsel has drawn the attention of this Court to the FIR in question which has been annexed as Annexure P-1. She has argued that the petitioner is not only specifically named in the FIR in question but there are specific attributions qua him; the petitioner inflicted injuries not only on the complainant but his wife and son also which finds due corroboration with the medico legal report. It has been submitted that the injury inflicted by the accused on the abdomen of injured Dharambir was found to be dangerous to life. Learned State counsel has, therefore, prays for dismissal of the instant petition moreso since three material witnesses have not yet been examined and keeping in view the criminal antecedents of the petitioner there could be a strong likelihood of the petitioner intimidating the witnesses or tampering with evidence.

4. I have heard learned counsel for the parties and perused the relevant material placed on record.

5. The following allegations were leveled by the complainant while lodging the FIR, which reads as under:-

*“Statement of Kirpal Singh Son of Gangaram resident of Jawahar Nagar Line Par Mandi Adampur District Hisar and Age 58 Years Mob.No. 8295588769 - Stated that I am resident of the above address and do meat shop. I have two boys and two girls. All are married. I and my grandson Aman son of Dharambir were going home after closing the shop on 2.2.2023 at around 9.00 pm, that Suraj son of Krishna and Vinod son of Baliram residents of Jawahar Nagar Adampur came from front, who were drunken. The stopped our way and asked to open the shop and*

*give meat, so I said that now the shop has been closed, it will not be available anymore and I and Aman moved towards our home. But they caught hold me from behind and started beating me. On hearing the noise, my son Dharambir son of Kirpal Singh and my wife Santro came to the street and tried to release me with Aman from them and after getting released from them started going home. So along with these two Badal and Golu son of Baliram, Munna alias Max and Deepak alias Dipu son of Radheshyam, Bheriya son of Tekaram, Koki son of Raju, Bhakti son of Shera Vasiyan Jawahar Nagar Mandi Adampur and 10-12 other boys came to the street and attached with bricks at us. Due to which I, my wife Santro and son Dharambir got hurt. Then there the siren of the police car rang and on hearing the siren they all ran away from there. Then Aman took me, Santro and Dharambir to the government Hospital Adampur, from where the doctor referred all three of us to Agroha, where we are undergoing treatment. Suraj, Vinod, Golu, Badal, Munna alias Max, Deepak alias Dipu, Bhairiya, Koki, Bhakti and 10-12 other boys have hurt all three of us. Legal action should be taken against all of them. Now you have come, I wrote my statement to you, heard it, understood it, which is correct. Sd LTI Kripal Singh Attested Ramji Lal ASI PS Adampur dt. 3.2.2023”*

In the facts and circumstances as enumerated hereinabove and the specific attribution to the petitioner, this Court would not be inclined to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)  
JUDGE

July 29, 2024  
*poonam*

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