



CRM-M-37645-2023

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
214 CRM-M-37645-2023
Date of decision: 16th December, 2024

Satyawan ...Petitioner
Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rajat Nain, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.
Ms. Kirandeep Kaur, Advocate with
Mr. Amardeep Singh, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The instant petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 397 dated 03.11.2022 registered under Sections 148, 307, 170, 420, 279, 336, 427, 120-B of IPC read with Section 149 and Section 25-1B(1) of Arms Act, 1959 at Police Station Sadar Narwana, District Jind (Haryana).

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the allegations that on 02.11.2022, a police party headed by ASI Avtar Singh was present at village Danoda turn, in connection with patrolling duty. A secret information was received and believing the same to be true, a raiding party was immediately formed, which reached at the informed place. The

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police officials concealed themselves behind the bushes. Two vehicles reached at the spot after sometime. Five persons alighted from the vehicles. Two of them were carrying bags on their shoulders. They started having conversation with each other. In the meanwhile, one Innova car reached there and four persons, two of whom were wearing police uniforms alighted from the same. They tried to snatch the bags carried by the two persons, who were already standing there. All of them were tried to be apprehended by police official but one of them fired a shot with a pistol towards the police officials and then all of them, tried to flee. One of the vehicle was hit by a Mahindra Camper vehicle which was coming from the opposite side and the occupants of both vehicles which induced the present petitionr and co-accused Ashok Kumar had sustained injuries. They were apprehended. A pistol was recovered from custody of the petitioner. On conducting search, one bag containing 40 packets with currency notes of Rs. 1000/- denomination on the upper and lower side and plain papers in the middle were recovered from them. The occupants of other vehicles were also apprehended. Currency notes amounting to Rs. 4,00,000/- and Rs. 7,00,000/- respectively were recovered from them. The accused were formally arrested. Investigation has since been completed.

3. The petitioner moved an application for regular bail which was dismissed by the Court of learned Additional Sessions Judge, Jind vide order dated 20.02.2023. He had been granted interim bail by this Court vide order dated 06.12.2023, keeping in view his medical condition with direction to him to surrender on 06.02.2024. He has not surrendered so far.



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4. It is argued by learned counsel for the petitioner that his medical condition is still not good. He has remained in custody for a period of over one year, one month and seven days. Trial is likely to take time. No useful purpose would be served by detaining him in custody again. He has not misused the concession of bail. Therefore, it is urged that the petition deserves to be allowed and the order of interim bail as granted to him is to be made absolute.

5. Learned counsel for respondent- AAG, Haryana assisted by learned counsel for the complainant on the other hand has argued that it is a case of gross misuse of concession of interim bail as granted to the petitioner since, this benefit was granted to him till 06.02.2024 only but he has not surrendered in the jail so far and he is not even appearing before the learned trial Court. It is, therefore, argued that the petition does not deserve to be allowed.

6. I have heard learned counsel for the petitioner as well as learned AAG, Punjab at considerable length and have gone through the record carefully.

7. The petitioner is alleged to have formed membership of an unlawful assembly and in prosecution of common object of that unlawful assembly, he is alleged to have made an attempt to commit murder of the police officials by firing shots with an illicit weapon i.e. pistol carried by him. He was extended benefit of interim bail by this Court on 06.12.2023 as he had sought such relief on the ground that he was suffering from several ailments and his hip joint was to be replaced. At that time, the report from



the treating doctor had also been taken. The petitioner has, however, not surrendered within the stipulated time. He has not been able to show any medical record qua his medical condition despite the fact that the interim order has been extended several times. Today also, learned counsel for the petitioner has not been able to produce any medical record to show the condition of the petitioner. Therefore, it is explicit that the petitioner is misusing the concession of interim bail as granted to him. On this ground alone, the petition filed by him is liable to be dismissed. The same is accordingly, dismissed.

8. A copy of this order be sent to learned trial Court with direction to proceed against the petitioner as per law.
9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

16th December, 2024
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No