

2024:PHHC:157595



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

Sr. No.224

**CRM-M-35793-2024(O&M)
Date of decision : 28.11.2024**

Sharvan @ Seenu

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Yashveer Kharb, Advocate, for the petitioner.

Mr. Gaurav Bansal, DAG, Punjab.

Mr. Anmol Sharma, Advocate, for the complainant.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.248 dated 25.04.2024 under Sections 148, 149, 308, 323, 324, 452 & 506 IPC (charges framed under Sections 148, 149, 323, 324, 326, 308, 450 & 506 IPC), registered at Police Station Industrial Sector-29 Panipat, District Panipat.

2. The translated version of the FIR is reproduced below:-

“To, SHO Sir, Police Station Sector 29 Panipat. Sir, it is requested that I Sandeep son of Sh. Omprakash is resident of village Siwah. I have been running a grocery shop at Dadola Road, Siwah in the street of Munshi Colony. That about 8-10 days prior son of my uncle Mohit had an argument with Sanjay regarding some matter. That I went with my family to tell his parents about the incident. That Sanjay was holding a grudge with regard to the said incident that why did I went to his house to narrate the incident. With regard to the same on 24/04/2024

2024:PHHC:157595



at around 6.00 PM when I was sitting at my shop and at that time Ajit s/o Mainpal District Shamli, at present Munshi Colony has come to my shop to buy goods. Suddenly six-seven boys entered the shop, all of them were having sticks and daggers in their hands. Together they attacked me, my shop and Ajit who had come to the shop to collect the goods, that Sanjay repeatedly attacked with the dagger which he was holding in his hand whereas Sagar started beating with the baton which he was holding in his hand and two unknown men whom I don't know also beat up Gadasi (dagger) and Bitu (baton), in order to save my life I came out of the shop. Then Vishal son of Vijay resident of village Siwah along with his two companions who were standing in front of the shop and all the accused persons who came out of the shop together started beating and all of them attacked me with the intention of killing me, but while hitting me on the head, I defended myself with my hand. That I had received injuries upon my head, hands, legs, waist and neck. Who by threatening to kill me and considering me as dead, they ran away from the spot along with their weapons and their motorcycles and I became unconscious. After that I regained consciousness in Park Hospital and I came to know that my son of my uncle Mohit had taken me to the hospital. As a proof of the incident, I have the video footage of the time of incident and will present it to you. That strictest action be taken against all those who had cause injury. Sd/- Sandeep.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has not been named in the FIR and no specific injury has been attributed to him. He further submits that the petitioner has undergone an actual custody of 06 months and 28 days and the matter has been compromised between both the parties and a quashing petition viz. CRM-M-

2024:PHHC:157595



59894-2024 titled as 'Sanjay Kumar and others Vs. State of Haryana and others' has also been filed on the basis of compromise between the parties.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 06 months and 28 days and there is one another case under the Excise Act, registered against him, however, the petitioner is on bail in that case. He on instructions from ASI-Rishi Parshad submits that charges were framed on 23.09.2024. He also submits that out of a total of 12 prosecution witnesses, none of the witness has been examined till date. He however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Learned counsel for the complainant admits the factum of compromise between both parties.

6. Heard the rival submissions made by learned counsel for the parties.

7. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, charges have been framed on 23.09.2024 and out of total 12 prosecution witnesses, none of the witness has been examined. The investigation is complete and the conclusion of the trial will take a considerable time. The petitioner has undergone an actual custody of 06 months and 28 days and there is one

2024:PHHC:157595



however, the petitioner is on bail in that case. Therefore, this Court is of the considered view that further incarceration of the petitioner will not serve any purpose.

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

2024:PHHC:157595



10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

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

(KIRTI SINGH)
JUDGE

28.11.2024
Ramandeep Singh

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No