



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-37135-2024
Date of decision: 28.11.2024

SUMIT DAYAMA ALIAS SUMIT DAYMAPETITIONER

VERSUS

STATE OF HARYANARESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

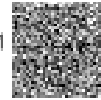
Present:- Mr. Kanishk Swaroop, Advocate for the petitioner.
Mr. Surender Singh, AAG, Haryana.
Mr. Karan Kalra, Advocate for respondent No.2.

SANJIV BERRY, J.(ORAL)

By way of present petition filed under Section 483 of BNSS, 2023, the petitioner seeks regular bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
141	09.04.2024	120-B, 147, 149, 308, 325, 341, 506 of IPC.	Sector 56, District Gurugram.

2. Arguments heard.
3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is innocent and has been falsely implicated in this case. He further contends that although the petitioner is named in the FIR but no specific overt act is attributed to him nor any injury has been attributed to the petitioner. The petitioner is in custody since 10.04.2024. He further contends that challan has already been presented in Court and during the course of trial, the complainant Sabir Khan has also been examined who



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has not lent any support to the case of the prosecution and turned hostile. He further refers to Annexure P-8 to say that even the complainant has specifically given affidavit that the petitioner has no concern in the alleged occurrence. Hence, prays for grant of bail.

4. Per contra, learned State counsel, assisted by learned counsel for the complainant, has referred to the reply submitted by the State, to contend that the allegations against the petitioner is that of conducting the *recce* and no injury is attributed to him. The nomination of the complainant during the course of trial wherein he has turned hostile is also not disputed. Admittedly, there is no other criminal case registered against the petitioner. The learned counsel for the complainant appearing on behalf of the complainant has adhered to the factum of giving affidavit (Annexure P-8) to the fact that the petitioner has no concern with the alleged occurrence and this affidavit (Annexure P-8) was given voluntarily by the complainant Sabir Khan.

5. This being the case, the conclusion of trial, to ascertain criminal liability of the petitioner, will take sufficient long time and no purpose will be served by detaining the petitioner in custody any more.

6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Duty Magistrate/Judge on Duty concerned, if not required in any other case; undertaking to regularly



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appear on each and every date; not to leave the country without prior permission of the Court;

and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

28.11.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |