



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

234

CRM-M-38667-2024

Date of decision: October 24th, 2024

Raunak

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Deepender Singh, Advocate
with Ms. Nidhi Dahiya, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, Assistant Advocate General, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition filed by the petitioner seeking the concession of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case FIR No.153 dated 19.07.2022 under Sections 148, 149, 323, 506, 307, 325, 120-B of the Indian Penal Code, 1860 and Section 25 of the Arms Act, registered at Police Station Rozka Meo, District Nuh.

2. Learned counsel for the petitioner has reiterated the submissions made on 14.08.2024 that the petitioner has been in custody since 02.12.2022 and till date, not even a single witness out of the 29 cited by the prosecution has been examined. It has been further submitted that the petitioner has been attributed injury with a *farsa* on the legs of complainant-Amar Singh, inviting the mischief of an offence under Section 325 of the IPC. It has been further submitted that none of the injured received any injury dangerous to life at the hands of the accused party; Section 307 of the IPC had been added only account of two of the



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accused carrying a firearm with them. It has been further submitted that despite the case being adjourned time and again and bailable as well as non-bailable warrants being issued, the prosecution witnesses were not appearing before the trial Court to get their evidence recorded.

3. Learned State counsel, on instructions, has not disputed the custody period as well as the stage of trial, however, it has been submitted that since the complainant party is living under constant fear, they could be avoiding appearing before the trial Court. It has also not been disputed, on instructions, by the learned State counsel that bailable as well as non-bailable warrants have now been issued to secure the presence of the complainant and other witnesses.

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

5. As per the allegations levelled in the FIR, the petitioner is stated to have inflicted injuries inviting the mischief of Section 325 of the IPC on the legs of complainant-Amar Singh (fracture of his legs). The trial in the aforementioned facts and circumstances is unlikely to conclude in the near future, more so when none of the 29 witnesses cited by the prosecution has been examined till date.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.



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7. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

October 24th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No