

2024:PHHC:110105



CRM-M-40195-2024 (O & M)

::1::

(225) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40195-2024 (O & M)
Date of Decision: 27.08.2024

Ankit

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Neeraj Yadav, Advocate,
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Prashant Singh Chauhan, Advocate,
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for the grant of regular bail to the petitioner in case bearing FIR No.57 dated 15.03.2024 under Sections 147, 148, 285, 307, 506 IPC and Section 25 of the Arms Act registered at Police Station Bawal, District Rewari.

2. The present FIR came to be registered at the instance of Karambir and reads as under:-

To, SHO, Police Station Bawal. Subject: Complaint for taking legal action against 1. Yogesh 2. Yogendra son of Mitrasen alias Gullu 3. Rajesh son of Sukhiram resident of

2024:PHHC:110105



CRM-M-40195-2024 (O & M)

::2::

Gurjar Majri 4. Ankit Bhanja of Rajesh resident of Kota and 3-4 other accused, regarding firing and threat of death and murderous attack. Sir, the applicant makes the following submissions: 1. That the applicants are three brothers, whose names are Mahendra, Karmaveer and Surendra. Surendra and Mahendra live on a tube well, the applicant lives in the village with his family. 2. That on the night of 14.03.2024, at around 10:00 PM, Yogesh, Nur og Yogendra, Rajesh, Ankit and 3-4 other accused came at the house of applicant with lathies and illegal weapons. They came out of the applicant's house with weapons and started breaking the door of the applicant's house with sticks, hearing the sound of which the applicant came out of the courtyard to the terrace and saw that the above accused shouted loudly and threatened that today they will kill me and my family and threatened to withdraw the case filed against them by the applicant's brother Mahendra and the culprits attacked with sticks due to which the gate of the applicant's house was badly damaged and meanwhile, Yogesh fired at the applicant with a pistol but the applicant narrowly escaped the attack. The culprits kept threatening to kill repeatedly. Meanwhile, the applicant's wife Sarita and son Sonu also came out of the room and neighbour Jeetram was also watching this incident standing on the terrace of his house The culprits have planned the above mentioned fatal attack on the applicant. At 10.00 PM, the applicant called PCR 112 from mobile number 9518241990 regarding the above incident, on which the police came there and the applicant told them about the above incident and also took photographs etc. The culprits are continuously threatening that they will kill

2024:PHHC:110105



CRM-M-40195-2024 (O & M)

::3::

the applicant and his family as soon as they come out of the house.

3. The reason is rivalry that the applicant's brother Surendra has filed FIR No. 357 dated 20.10.2023 against the culprits at police station Bawal, in which Yogesh and others are on bail Therefore, it is requested to Sir that security should be provided to the applicant and his family and strict legal action should be taken against the culprits very soon. Sir, it will be very kind. Date 15.03.2024 SD/- Karambir.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case on account of enmity between the complainant on the one hand and the co-accused on the other. The petitioner happens to be a relative of the co-accused Yogesh and Yogendra. No specific role had been attributed to him. In fact, the FIR was initially registered under Sections 147, 148, 285, 506 IPC and Section 25 of the Arms Act but Section 307 IPC was added much later. It was the case of no injury and the allegations were that the accused-Yogesh had fired with a pistol but the shot had not struck any one. As the petitioner was a first-time offender, in custody since 26.06.2024 but none of the 12 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that the serious nature of the allegation levelled against the petitioner did not

2024:PHHC:110105



CRM-M-40195-2024 (O & M)

::4::

entitled him to the grant of concession of bail. He, however, concedes that the petitioner was a first-time offender, in custody since 26.06.2024 but none of the 12 prosecution witnesses had been examined so far.

5. The learned counsel for the complainant contends that Yogesh and Yogendra were the cousins of Ankit (petitioner) and multiple FIRs stood registered against them. The petitioner himself was a part of the unlawful assembly as was apparent from the contents of the FIR. Therefore, he was not entitled to the concession of bail.

6. I have heard the learned counsel for the parties.

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of Trial. Admittedly, the petitioner is a first-time offender, in custody since 26.06.2024 but none of the 12 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

10. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner-Ankit is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 27, 2024
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No