

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-49156-2021 (O&M)  
Date of Decision:26.02.2024

Raman ...Petitioner

vs.

State of Haryana ...Respondent

**Coram :** Hon’ble Mr. Justice N.S.Shekhawat

**Present :** Mr. Harsh Jain, Advocate for  
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

Mr. Sanchit Punia, Advocate  
for the complainant.

\*\*\*

**N.S.Shekhawat J. (Oral)**

1. The petitioner has filed the second petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 43 dated 21.02.2020, registered under Sections 148,149,307,427 of IPC and under Sections 25/54/59 of Arms Act (Section 120-B IPC added later on) Police Station Urban Estate Hisar, District Hisar.
2. The FIR in the present case was got registered by one Rakesh Pandit son of Ramesh Chander. As per the complainant, at about 9.30 am on 20.02.2020, he was coming towards his house with his friend Karan and when they reached in front of the house of Surender Kaushik, Krishna Nagar, Hisar, three boys, namely, Raman, Anil Yadav and one other boy came on a bullet motorcycle. One Esteem car was also following them and after bringing the car in front of his car, they hit his car from the front side. All the three boys, who

were riding the bullet, fired shots at him with an intention to kill him. The complainant alighted from the car and at that time, Anil Taneja, Sanjay Yadav, Pritam Saini and three other persons, who were in Esteem car, indiscriminately fired shots on him. His friend Rajesh son of Sohan Lal came at the spot on hearing the alarm raised by him and after arranging the conveyance, he was shifted to CMC Hospital, Hisar. With these broad allegations, the FIR in the present case was registered against three named accused and certain other unknown persons.

3. Learned counsel for the petitioner contends that the FIR was initially registered against three accused namely Anil Taneja, Sanju Yadav and Pritam Saini and specific allegations have been levelled against all of them. However, during the course of investigation, the version of the complainant has been found to be false and all of them have been found innocent by the police. Learned counsel further contends that the petitioner was not named in the FIR and has been arrayed as an accused in the present case on the strength of the disclosure statements suffered by co-accused and the admissibility of the said evidence is yet to be adjudicated by the Trial Court during trial. He further contends that the petitioner was arrested in the present case 07.03.2020 and is in custody for the last more than 03 years and 11 months. As per learned counsel, only 09 witnesses out of total 38 witnesses have been examined by the trial Court and the conclusion of the trial will take quite a long time. Apart from that, co-accused Ravi @ Tejpal has been granted the concession of bail by this Court vide order dated 13.07.2023 and the petitioner is also similarly placed.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by

learned counsel for the petitioner on the ground that 16 more cases have also been registered against the present petitioner and the petitioner is a habitual offender, however, learned State counsel could not dispute the factual submissions raised by learned counsel for the petitioner.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. In the present case, the allegations were initially targeted against three accused namely Anil Taneja, Sanju Yadav and Pritam Saini, however, the said version of the complainant was found to be false during the course of investigation and later on, the petitioner was also nominated as an accused in the present case. No doubt, the allegations levelled against the present petitioner are serious in nature, but the petitioner cannot be detained in custody as an undertrial for an indefinite period. In the present case, the petitioner is in custody for the last about 03 years and 11 months, where the trial of the present case is at nascent stage. Still further, the petitioner can never be confined in jail for an indefinite period as the Hon'ble Supreme Court in the matter of ***Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831*** has held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of ***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another 2012(1) R.C.R. (Criminal) 586***.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

- (i) 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 to disclose such facts to the Court or to any other authority.
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.
- (vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.
- (viii) The petitioner shall report on every 1<sup>st</sup> and 3<sup>rd</sup> Monday of English calendar month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

9. Pending application(s), if any, stand(s) disposed of, accordingly.

**(N.S.SHEKHAWAT)**  
**JUDGE**

26.02.2024  
hitesh

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No