



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-40728-2024

Date of decision: 05.12.2024

Kuldeep @ Lambu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sushil Sheoran, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.52 dated 06.03.2023 under Sections 148/149/323/324/386/506 of the IPC (Sections 285/307/325/120-B of the IPC added lateron) and Section 25(1-B)(a) of the Arms Act, 1959 registered at Police Station Gurgaon City, District Gurugram.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 06.06.2023 in a case of false implication. There was no specific role attributed to the petitioner in the FIR in question and it had merely been alleged that one of the co-accused who while assaulting the complainant had threatened him to not mess with '*Kuldeep Bhai*' (petitioner herein). It has been submitted that vague allegations have been levelled by the complainant that the crime in question had taken place at the behest of the petitioner.



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Learned counsel has further contended that since all the material witnesses in the present case stand examined, the petitioner be enlarged on bail as 29 prosecution witnesses still remain to be examined and hence, there is no likelihood of the trial concluding in the near future. It has also been submitted that the injuries allegedly sustained by the complainant party were found to be just grievous in nature; none of the injuries were opined to be dangerous to life by the doctor.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Ami Lal, has reiterated the allegations levelled in the FIR in question which stands reproduced hereinunder:-

*“To the SHO, Police Station City Gurugram. Sir, it is requested that I Manoj alias Monu aged 36 years S/o Rohtash R/o village Jhadsa, Indra Colony, House No.217, no.1 Gurugram. I am doing the business of fruits in my cart at Sabji Mandi on Gurudwara road. Today at 12:30 PM on 06.03.2023 when I came to vegetable market then after sometime 7-8 persons came to me and stated to me that your name is Manoj then I told them that I am Manoj. Then they stated that if you want to ply your cart then you had to make the payment to us on every week. When I refused to do the same, then they become angry and started beating with knife and stick. They were calling the name of Gokul and Ajay to each other and were saying that he be caused gunshot injury. In the meantime on hearing the noise of the quarrel, Deepak and Ajay who are sons of my uncle who are working on my cart came on the spot and tried to rescue. They also gave beating to them and when they were going then they were saying that "Don't mess with **Kuldeep bhai**". Today you have saved otherwise we will kill you. **Kuldeep** is resident of Rewari and he was called by Rakesh alias SFI, his son Honey and Anil who are having the office in front of mandi. The boys of **Kuldeep** were having the pistol. Legal action may be taken against them. Applicant Manoj 9910108484 dated 06.03.2023.”*

4. Learned State counsel has filed the custody certificate of



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the petitioner which is taken on record subject to all just exceptions. While drawing the attention of this Court to the custody certificate of the petitioner, learned State counsel has submitted that the petitioner seemingly has a history of criminal antecedents, as is evidenced by the numerous criminal cases registered against him involving serious and heinous offences. It has been further highlighted that the petitioner, while facing trial in other criminal cases, absconded during the trial proceedings on two occasions, leading to his being declared a proclaimed offender in both instances. It has been submitted that following the petitioner being declared a proclaimed offender, criminal cases were registered against him for the same.

5. Learned State counsel has also asserted that the petitioner is the kingpin of a gang actively involved in crimes such as extortion, among others. It is submitted that the crime in question was carried out at the behest of the petitioner. Moreover, it has been submitted on instructions by the learned State counsel that all the material witnesses, while testifying in Court, have supported the case of the prosecution and unequivocally identified all the accused, thereby leaving no doubt regarding the active participation of the petitioner in the occurrence in question.

6. Additionally, learned State counsel has contended that although there is no medical opinion explicitly classifying the injuries sustained by the complainant as dangerous to life, there is *prima facie* medical corroboration of the ocular testimony. The evidence reflects that the injured sustained as many as 11 sharp and grievous injuries on



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his person, all inflicted with lethal weapons such as knives and *suas*.

7. I have heard learned counsel for the parties and perused the material placed on record.

8. Prima facie, there are serious and specific allegations against the petitioner, who is a man of criminal antecedents. All the material witnesses stand examined and have supported the case of the prosecution in its entirety. The petitioner is alleged to be the main conspirator of the crime in question. In the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioner had earlier absconded in two cases as a result of which he was declared a proclaimed offender, this Court does not deem it fit to extend the concession of bail to the petitioner.

9. Accordingly, the instant petition is hereby dismissed.

10. 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.

05.12.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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