



CRM-M-43394-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(215)

CRM-M-43394-2024

Date of decision: - 25.11.2024

Pawan

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Deepanshu Matya, Advocate, and
Mr. Rohit Sharma, Advocate,
for the petitioner.

Mr. Jagdish Manchanda, Addl. A.G., Haryana.

Mr. Mukesh Rao, Advocate
for the complainant.

VIKAS BAHL, J. (ORAL)

1. This is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail to the petitioner in FIR No.354 dated 26.08.2021, under Sections 148, 149, 323, 325, 452, 307, 302, 506 and 120-B IPC, registered at Police Station Sadar Nuh, District Nuh.

2. Learned counsel for the petitioner has submitted that in the present case, as per the custody certificate dated 24.11.2024, the petitioner has been in custody for a period of 3 years, 02 months and 26 days and there are total 63 prosecution witnesses, out of which, only 6 witnesses have been examined and thus, the trial is likely to take time. It

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is further submitted that the petitioner is not involved in any other case and solely on the ground of long custody, the petitioner deserves the concession of regular bail. It is stated that the last bail application of the petitioner was dismissed as withdrawn, at that stage, on 20.09.2022 and this Court while permitting the petitioner to withdraw the petition, at that stage, had given a liberty to him to file a fresh petition after examination of five injured witnesses or any other substantial change of circumstances. It is argued that out of the said five witnesses, four witnesses i.e., Arun, Suresh, Satish, and Raj Kumar have been examined, whereas, one Mahesh has been given up. It is submitted that as per the FIR, 23 persons have been named as accused and no specific injury has been attributed to the present petitioner and that one of the accused, Vijender son of Shiv Charan, who was stated to have a hockey and a pistol in his hands, has been declared to be innocent by the police. It is further submitted that there are certain co-accused who were having iron rods in their hands as per the allegations in the FIR, whereas, the allegation against the petitioner was that he was having a stick with iron wire in his hand.

4. Learned State counsel as well as learned counsel appearing for the complainant, on the other hand, have submitted that the petitioner alongwith 22 persons had caused 10 injuries on the person of the deceased. It is further submitted that family of the complainant is apprehensive that the petitioner, if released on bail, would attack them, thus, on the said ground alone, the petitioner does not deserve the concession of regular bail.

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5. Learned counsel for the petitioner, in rebuttal, has submitted that till the time the trial is pending, the petitioner would not visit the village of the complainant.

6. Keeping in view the above-said facts and circumstances, more so the fact that as per the custody certificate dated 24.11.2024, the petitioner is in custody for the last 3 years, 2 months and 26 days and there are total 63 prosecution witnesses, out of which, only 6 have been examined, thus, the trial is likely to take time and also the fact that out of the five injured persons, four have already been examined and one Mahesh has been given up and further as per the FIR, no specific injury has been attributed to the present petitioner and there are as many as 23 accused persons, who are jointly stated to have inflicted 10 injuries upon the deceased and also the fact that one of the accused, Vijender son of Shiv Charan, who has been specifically named in the FIR and was stated to have been armed with a hockey and a pistol, has been found to be innocent by the police and the fact that the petitioner is not involved in any other case, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate, subject to the petitioner not being required in any other case and also subject to the petitioner giving an undertaking before the trial Court within a period of one week from his release that he would not visit the village where the complainant resides.

7. It is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses or

violates the aforesaid condition, then, it would be open to the State as well as to the complainant to move an application for cancellation of bail granted to the petitioner.

8. Nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case, which are only for the purpose of adjudicating the present bail petition.

November 25, 2024

naresh.k

(VIKAS BAHL)

JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No