



CRM-M-43071-2024(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-43071-2024(O&M)
Decided on: 21.10.2024

Manish

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. R.K. Choudhary, Advocate
for the petitioner(s).

Mr. Gaurav Bansal, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 of Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.116 dated 13.03.2024, under Sections 323, 325, 506, 379-B and 34 of Indian Penal Code, 1860, registered at Police Station Chandhut, District Palwal.

2. The facts in brief are that aforesaid FIR was registered on the basis of complaint presented by complainant, namely Sandeep alleging that on 11.03.2024 at about 9:30 pm he along with one Parshant was travelling in his car and co-accused Karan, who was neighbor of complainant, signaled the complainant to stop and asked for a lift. Co-accused Karan sat on rear seat of the car and pulled out a country made pistol, and directed the complainant to drive the car as per his instructions. He took them to a government school where four persons were waiting for them and when the complainant alighted from the car, co-accused Karan gave a blow with pistol butt and all accused present at the spot gave fist and leg blows. Thereafter co-accused Karan snatched mobile phone and Rs.22,000/- cash from the complainant.



3. Learned counsel for the petitioner inter alia submits that petitioner has been falsely implicated in this case, he has not been named in the FIR and no specific role or injury is attributed to the petitioner. He further submits that there is an unexplained delay of about three days in registration of FIR. The petitioner has clean antecedents and he has undergone an actual custody of 05 months and 22 days and the trial of the case is not progressing.

4. *Per contra* learned State counsel submits that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per the custody certificate, the petitioner has undergone actual custody of 05 months and 22 days and is not involved in any other case. He on instructions from the concerned investigating officer submits that charges were framed on 25.09.2024 and out of total of 16 prosecution witnesses, none have been examined. He, however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the charges were framed on 25.09.2024. The petitioner has undergone an actual custody of 05 months and 22 days. Out of total of 16 prosecution witnesses, none have been examined. The conclusion of the trial will take a considerable period. The petitioner has clean antecedents as no other case is registered against him. Further incarceration of the petitioner will not serve any useful purpose.

7. Without commenting anything on the merits of the case, lest it

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may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which she is suspected.
- (V) 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

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

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

21.10.2024
Kapil

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>