



CRM-M-42944-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(226)

CRM-M-42944-2024
Date of Decision : 09.09.2024

Annu Kumar @ Anu Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. P.S. Jammu, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.380, dated 02.09.2023, under Sections 148, 149, 323, 341 and 506 of the IPC, (Sections 325 and 307 IPC, added later on), registered at Police Station Ellenabad, District Sirsa.
2. The petitioner was arrested in the present case on dated 08.05.2024. The prosecution story as culled out from the order dated 09.08.2024, passed by the learned Additional Sessions Judge, Sirsa, while declining the regular bail application of the petitioner, reads as under:-

“2. The brief facts of the case of prosecution are that the present case was registered on the statement of Sanjay Kumar son of Arjun Dass, resident of Talwara Khurd, at present Ward No.7, Ellenabad to the effect that he is running a shop under the name and style of Sanjay Mehta Music Centre situated at Sirsa Road, Ellenabad and his



elder brother Dharambir @ Vicky is also running a shop under the name and style of Mehta Music near Rest House. Vikas Kumar @ Monu has been working in the shop of complainant and he commute on his motorcycle from Village Talwara Khurd on daily basis. His brother Dharambir @ Vicky was sick for the last many days and was admitted in Dera Sacha Sauda Hospital, Sirsa. On 29.08.2023, at about 7:30-8:00 pm, complainant and Vikas Kumar @ Monu were going towards the house of Dharambir @ Vicky, on their motorcycles, to hand over the keys of shop of Dharambir @ Vicky, when they covered some distance from Shri Ram School, at that time, suddenly, seven boys came on three motorcycles and intercepted the motorcycle of Vikas Kumar @ Monu and they were armed with gandasi, axe and kapa etc. One of them was Sonu son of Mangat Ram, resident of Talwara Khurd, who was armed with an axe Rest of the boys were known to Vikas Kumar @ Monu, who was also with him. All those persons attacked upon Vikas Kumar @ Monu with sharp edged weapons. They were shouting to kill him. On seeing the above-said incident, complainant fled from the spot alongwith his motorcycle as he got frightened. Thereafter, complainant informed his uncle Nanak Chand son of Satna Ram about the incident, on which, complainant and his uncle reached at the spot and they came to know that Vikas Kumar @ Monu has been shifted to Government Hospital, Ellenabad by the persons of that locality. Thereafter, complainant and his uncle visited Government Hospital, Ellenabad where his uncle Rajender and Manohar sons of Satna Ram also reached. The cousin of complainant namely Vikas Kumar @ Monu had sustained injuries through sharp edged weapons. The doctor concerned had given first aid treatment to Vikas Kumar @ Monu and then referred him to Government Hospital, Sirsa, from where he was referred to higher



centre. However, he was got admitted in City Health Care Centre, Sirsa. He further stated that Sonu son of Mangat Ram alongwith 6 other unknown persons caused injuries to Vikas Kumar @ Monu with the help of sharp edged weapons, without any reason, therefore, appropriate strict legal action be taken against them.”

3. Learned counsel for the petitioner submits that the petitioner was not named in the FIR (supra), and no specific injury has been attributed to him. He further submits that his name has been figured out in the supplementary statement. He also submits that the petitioner is not involved in any other criminal case, and in the instant FIR, he has suffered incarceration of about 04 months, as on date, and the trial is yet to commence, as only the charges have been framed, in the instant matter. Learned counsel also submits that the case of the petitioner is on a co-pedestal with the co-accused namely, Aarzoo @ Yuvi @ Anju, Karan, Sushil Kumar, Rahul @ Gujjar, Gagandeep and Surender @ Sonu @Vihan, who have already been extended the relief of regular bail, by this Court.

4. Notice of motion.

5. Mr. Bhupender Singh, DAG, Haryana, waives service and accepts notice on behalf of the respondent-State of Haryana.

6. Learned State counsel has placed on record the custody certificate dated 05.09.2024, *qua* the petitioner, which is taken on record. A perusal of the same reveals that the petitioner has suffered incarceration of about 04 months, as on today.

7. Learned State counsel, on instructions imparted to him by the investigating officer, submits that in the present case, the final report has

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already been filed, and charges by the learned trial Court concerned, have also been framed.

8. This Court has heard the learned counsel for the parties concerned, and has gone through the entire case file.

9. At this stage, without commenting upon the merits of the present case, and considering the fact that the petitioner has already suffered incarceration for about 04 months, as on today, and the trial is yet to commence, coupled with the fact that co-accused namely, Aarzoo @ Yuvi @ Anju, Karan, Sushil Kumar, Rahul @ Gujjar, Gagandeep and Surender @ Sonu @Vihan, have already been extended the relief of regular bail, by this Court, this Court deems it fit and appropriate to extend the relief of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**.

10. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate, concerned.

11. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State, shall be at liberty to move an appropriate application seeking cancellation of regular bail, as granted by this Court.

12. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

September 09, 2024
Manpreet

MANPREET SINGH
2024.09.12 10:29
I attest to the accuracy and
authenticity of this
order/judgment

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