



CRM-M-45280-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-45280-2024

Decided on : 18.09.2024

Ramandeep Singh @ Poppy

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Lakhvinder Singh Dandiwal, Advocate
for the petitioner

Mr. Gaurav Bansal, DAG Haryana

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.283 dated 11.06.2020 registered under Sections 147, 148, 323, 325, 427, 307 IPC at Police Station City Fatehabad, District Fatehabad.

2. The FIR of the present case is reproduced as under:-

"Statement of Satyawan S/o Rajesh Kumar S/o Kishan Lal resident Gurunanakpura Fatehabad, aged 29 years 9896633667, stated that I am a resident of the above address and I work as a labourer. That I am married and I have a son and a daughter. I met my friend Gurvinder S/o Mahendra Singh, resident of Mohalla Gurunanakpura, Fatehabad and he said that Lakhan Pal son of Deshraj, resident of Kirti Nagar, Fatehabad, abuses me, so I said why does he abuse you. Come with me and let us ask Lakhan Pal, so today Gurvinder S/o Mahendra Singh and Devilal S/o Bhoop Singh resident of Mohalla Gurunanakpura and Kaliya Pradhan resident of Sotar Bhattu were

called by Gurvinder Singh to Ratia Chungi, Fatehabad. I, Devi Lal and Gurvinder Singh came on my motorcycle till Ratia Chungi Fatehabad and from Ratia Chungi Fatehabad Gurvinder Singh sat on the back of Kalia Pradhan's motorcycle and we left for Kirti Nagar Fatenabad towards Lakhan Pal's house and at about 4.45 PM when we reached near Kali Mata Mandir Kirti Nagar Fatehabad, we met Lakhan Pal So Deshraj and three other unknown boys there and when we asked Lakhan Pal about the abuses and in the meantime Lakhan Pal called about 10-12 boys by making a hand gesture and as soon as they came, they raised lalkara and one of them attacked me with a beer bottle which hit on my right eye and I tried to run away and then Lakhan Pal gave the axe blow holding in his hand behind my left ear and someone hit Gurvinder on the back with a brick and I ran towards the fields from the spot and Gurvinder entered someone's house and 10/15 boys followed him and they had sharp weapons in their hands. All of them attacked Gurvinder with sharp weapons with the intention of killing him and I ran away from there towards the fields in fear and later I came to know that Gurvinder was caused injuries on the neck, hands, legs and head with the intention of killing him and then Mohan Lal S/o Rajkumar resident Swami Nagar and my aunt Saroj brought me to the hospital and only they can tell about the injuries on Gurvinder. Lakhan Pal and 10/12 other unknown boys should be traced and strict legal action should be taken against them. They had also threatened to kill us in future. I have recorded my statement. Sd Satyawar Singh, Attested Ranjeet Singh SI."

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case and he has not been named in the FIR nor any specific injury has been attributed to him. There are four other cases registered against the petitioner in which he is on bail in three of them. He further submits that the petitioner has already undergone an actual

custody of 07 months and 09 days.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody certificate, the petitioner has undergone actual custody of 07 months and 09 days. He further submits that the charges in the present case were framed on 21.08.2024 and out of 17 prosecution witnesses, none has been examined. He, however, submits that there are serious allegations against the petitioner and 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, investigation is complete and out of 17 prosecution witnesses, none has been examined till date. The petitioner has undergone actual custody of 07 months and 09 days and no specific injury has been attributed to the petitioner.

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

18.09.2024
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(KIRTI SINGH)
JUDGE

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