

**CRM-M-44867 of 2024****1**

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

219**CRM-M-44867 of 2024****DATE OF DECISION :- 16.09.2024****Sushil @ Shilly****...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL****Present:-** Mr. Manvinder Singh Dalal, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.268 dated 24.06.2024, registered for the offences punishable under Sections 323,324,325,452,506,34,354-A,120-B of IPC at Police Station Civil Line, District Kaithal.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

“Statement of Praveen @ Vinni s/o Mange Ram, r/o Sega Hall, Street No. 2, Balaji Colony, Kaithal, aged about 36 years, Education 10th passed, Mobile No. 9896981829, stated that I am a resident of the above name address and run a business of Dairy of milk in



Balaji Colony. We are two brothers, and we sit on the Diary only. I am married. I have three children. Today, on 24.06.2024 at around 05.15 AM my wife Sonia has come at her diary as usually she comes every day. When I opened the shutter of my shop to take out my motorcycle, which was parked inside at that time my wife was with me. Meanwhile, three young boys by covering their faces were come by running from the railway gate side by holding Gandasi in their hands towards me. I understood after saw them that they were going to attack upon me and my wife. Then I ran inside my shop. These three boys had entered in my shop and made deadly attack with their Gandasies. When my wife Sonia came to save me, they also attacked upon her. During the fight they kept going in and out from my shop, and then they picked up the blocks of bricks and cement and hit the same to me. Due to down roof there, I came inside and tried to defend myself, then they attacked me with Gandasies. Some Gandasies were hit on the roof as well and some Gandasies were hit on my left arm and fingers of the right hand including the thumb and the little finger of my right hand. Then they tried to drag my Sonia out and tried to kidnap her with bad intentions and threatened to kill me. And then they had taken Rs 26000/- from the pocket of my pant, which I was wearing. I am sure that this attack has made upon me by Parveen s/o of Mahendra and by Mandeep s/o Zile Singh, resident of Sega. Because, such type of similar attack was also made upon me in the year 2019. I had written down their name. Therefore, strictest legal action may kindly be taken against the unknown attackers, Parveen and Mahendra as per law. I have recorded my statement to you, which has read over to me. Which is corrected. Sd/- Parveen Kumar. Attested. Anil ASI Police Station Civil Line, Kaithal, dt 24.06.2024."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 28.06.2024. Learned counsel has further submitted that the petitioner has been falsely implicated into the FIR. Learned counsel for the petitioner has further submitted that in investigation in the case is already complete and challan stands presented & culmination of the trial will take its own time. In this view of the matter, learned counsel has prayed for grant of regular bail.



4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 15.09.2024 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 28.06.2024 whereinafter investigation was carried out and challan stands presented on 28.08.2024. Total 25 prosecution witnesses have been cited and culmination of trial, but of course, will take its own time. The rival contention of learned counsel for the parties; as to whether the petitioner has been falsely implicated into the FIR in question as also the veracity/weightage required to be attached to the material brought forward by the prosecution along with the challan (report under Section 173 of Cr.P.C); shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 15.09.2024 filed by learned State counsel, the petitioner has suffered incarceration for about 02 months and 18 days. Further, as per the said custody certificate, the petitioner is said to be involved in three other cases but these three FIRs pertain to the year 2018/2019. The factum of pendency of other FIRs against the petitioner cannot be construed as a factor, by itself, for declining the concession of regular bail to the petitioner in the instant case.



Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.



CRM-M-44867 of 2024 **5**

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

16.09.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No