

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45316-2024
Reserved on: 15.10.2024
Pronounced on: 19.10.2024

Ujjawal @ Pandit ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ajay Ghangas, Advocate
for the petitioner.

Mr. Aashish Bishnoi, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0090	10.02.2024	Chandni Bagh, Panipat	379-B, 201, 34 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 11 of the bail application, the accused has the following criminal antecedent:-

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	81	06.02.2024	34, 379-A, 427 IPC	Chandni Bagh

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:-

“i) That brief facts of the case are that a written complaint was filed by Arun Kumar in the Police Station Chandni Bagh. Panipat with the allegations that on 09.02.2024. he along with his friends Sanjay S/o Jagpal, Ranbir S/o Prem Chand and Mukesh had gone to Day Hotel Sector-25, Panipat in white colour Tata Tiago Car bearing registration number HR-06-AX-9539. They were standing below and were talking among themselves when at about 10:45 p.m. four boys came on a motorcycle and stopped their motorcycles a little ahead of them and came near to them, started abusing them

and started beating to them. The boys hit Complainant. Sanjay and Ranbir with an iron rod. They snatched ultra 9 watch, Rs. 4,500/- from purse and a VIVO 25 having SIM Card No. 88130-01045 and 867930306 from Ranbir. The boys also snatched their car and ran away. The car was having a HP Laptop, purse containing documents and cash of Rs. 4,500-Rs.6,000, ATM Card and Laptop Bag containing Rs. 23,000/- and a mobile VIVO U15 Pro.

Complainant also presented MLR of the Complainant, Sanjay and Ranbir which were taken into police possession as evidence. True Copy of MLR of Complainant Arun, Sanjay and Ranbir are annexed herewith as Annexure R-1, Annexure R-2 and Annexure R-3 respectively.

On the basis of above said facts and nature of crime, a formal FIR No. 90 dated 10.02.2024 was registered under section 379-B, 34 of IPC at Police Station Chandni Bagh, District Panipat. The FIR is already enclosed by petitioner with petition as Annexure P-1 for the kind perusal of this Hon'ble Court.

(ii) That after the registration of FIR, the investigation of the case was initiated by SI Mahabir 78, PPT. Crime spot was inspected by the investigating officer, rough site plan was prepared and statement of witness present at the spot were recorded. Snatched Car bearing no. HR-06-AX-9539 was found flipped over and in abandoned state on the roadside. The car was taken into police possession as evidence and was also identified by the complainant. The photographs of the injured persons were also taken into police possession as evidence.

(iii) That on 10.02.2024 itself. CCTV footage from the CCTV Cameras installed at Imperial Security Office, Near Days Hotel, Sector-25, Panipat was taken into police possession in a pen drive as evidence with the help of expert Rahul Sharma S/o Narender Sharma. He also presented his certificate under section 65-B of Indian Evidence Act. The perusal of the CCTV footage showed that the four boys were attacking four other boys and after attacking them, they took their car, mobile phone and money.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

“5. That the role of the petitioner namely Ujjwal @ Pandit is that he gave beatings to the complainant and his friends with fists and legs. Thereafter, he along with co-accused persons snatched watch of complainant's friend namely Sanjay, Rs. 4,500 from his purse and their car. He was the driver of the car. He took out Rs. 23,000/- from

laptop bag found in the car and Rs. 5,500/- found from the purse placed in car. He kept Rs. 25,500/- with himself by concealing about Rs. 23,000/- found from the laptop bag from the co-accused persons and gave Rs. 2,500 each to other three co-accused persons. During investigation, he confessed to his role in crime and got recovered remaining Rs. 7,000/- as per his disclosure statement.”

7. Pre-trial incarceration should not be a replica of post-conviction sentencing. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, as per paragraph 6 of the bail petition, the petitioner has been in custody since 11.03.2024. Per the custody certificate dated 14.10.2024, the petitioner’s total custody in this FIR is 07 months and 04 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner’s complying with the following terms.

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
14. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.
15. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

19.10.2024
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.