



CRM-M-45874-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(219)

CRM-M-45874-2024
Date of Decision : 19.09.2024

Rakesh @ Raka ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Suneel Sharma, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, filed under Section 483 of BNSS, 2023, the petitioner prays for grant of relief of regular bail in case FIR No.209, dated 16.07.2024 (Annexure P-1), under Sections 191(3), 190, 115, 324(4) and 351(3) of BNS, 2023, registered at Police Station Kalayat, District Kaithal, Haryana.
2. The complainant, Babita Rani, wife of Shakti Singh, has made a complaint to the local police, on the basis of which, the instant FIR (supra), has been registered. The gist of the FIR (supra), which are mentioned by the learned Additional Sessions Judge, Kaithal, at the time of declining the relief of regular bail to the petitioner, reads as under :-

“In brief the case of prosecution is that on 16.07.2024, complainant Babita Rani wife of Shakti Singh, resident of Ward No.8, near Vir Sheromani Maharana Partap Chowk, Kalayat moved an application alongwith MLR before the SHO, P.S. Kalayat wherein she alleged that on 15.07.2024 at about 09:00 p.m. and thereafter at about 11:45 p.m., 10-12 young men entered in their house



armed with lathi, gandasi and attacked upon her. They have thrown bricks and attacked with gandasi on the main door, broken the glasses and upon raising objection gave injuries to her. On hearing hue and cry when her nephew Salinder Partap Rana and others came at the spot, they fled away from the spot. Assailants had also broken the meter installed outside the house. The assailants include Anukul son of Munda, ward No.8, Kalayat, Kapil son of Ram Mehar, resident of village Mator, Rakesh son of Sher Singh, ward No.8 Kalayat, Sahil son of Dhanu, resident of Kanha Patti Kalayat, Raju resident of village Serdha, Binder B.K. Baba, resident of Subhash Nagar, Kalayat and others. On this complaint, present FIR was registered.”

3. Learned counsel for the petitioner submits that though, the petitioner has been named in the FIR (supra), but no specific role has been attributed to him. He further submits that all the injuries suffered by the complainant, are simple in nature. No motive, whatsoever, is alleged against the present petitioner. He also submits that the petitioner has suffered incarceration of about 01 month and 20 days, as on today, and the trial of the case, is still at the investigation stage.

4. The learned State counsel, on the other hand, on instructions imparted to him from the Investigating Officer concerned, has opposed the grant of relief of regular bail to the petitioner, on the ground that the petitioner is facing a trial, in five other cases, as detailed in the custody certificate, as filed by him, qua the petitioner, today in the Court.

5. Further, perusal of the custody certificate reflects that the petitioner has undergone incarceration of about 01 month and 22 days, as on today, and the case is, at the investigation stage.

6. Without commenting on the merits of the instant case, considering the role of the present petitioner, the period of incarceration and the stage of the case, which is at the investigation stage, therefore, this Court deems it fit and appropriate to extend the relief of regular bail to the petitioner. Accordingly, the present petition is **allowed**.
7. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/trial Court/Duty Magistrate, concerned.
8. 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 19, 2024
Manpreet

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