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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46927-2024
Date of Decision: 07.11.2024

Virender alias Narender
...Petitioners
Versus
State of Haryana
...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Namit Khurana, Advocate
for the petitioner
Mr. Anmol Malik, DAG Haryana

KIRTI SINGH, J.(Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.210 dated 05.06.2024, under Sections 285, 387, 307, 120-B IPC and Sections 25(6), 54, 59 of Arms Act registered at Police Station Civil Lines Karnal, District Karnal.

2. The brief facts of the present case are that on 05.06.2024 complainant K.D. S/o Karam Singh stated that he works as a security officer with Amrik Singh Virk owner of Noor Trading Company and Amrik Singh Virk received a call on 11.5.2024 from a gangster namely Bhanu Rana who demanded Rupees One Crore from Amrik Singh Virk and threatened that in case the money is not paid then the family of Amrik Singh Virk will be danger and consequently FIR No.196 under Section 387 of IPC was also registered for extortion at Police Station Civil Lines. Thereafter, on 5.6.2024 at around 4:00 p.m., a young boy wearing blue colour shirt and blue colour pant fired upon the Complainant (K.D. Singh) who was present in his office SCO No. 397, Themis Overseas, Mughal Canal, Karnal and the boy ran away from the spot.

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3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. He further submits that on 07.06.2024 during the investigation the petitioner has been arrested and roped into the present case solely on the basis of disclosure statements of the co-accused and it was alleged that the present petitioner has conducted recce of the spot before the co-accused went there, hence, the petitioner is nowhere traced or looked into the CCTV footage of the place of occurrence. He further submits that the petitioner is a young boy of 19 years and he has undergone actual custody of 04 months and 28 days and no other criminal case is pending against him. Learned counsel submits that similarly situated co-accused Virender Kumar has been granted concession of regular bail by the learned Sessions Court, Karnal.

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 04 months and 28 days and there is no other case registered against him. He submits that charges were framed on 02.08.2024 and out of 24 prosecution witnesses, none has been examined.

5. Heard the rival submissions made by learned counsel for the parties.

6. The charges were framed on 02.08.2024 and out of total 24 prosecution witness, none has been examined till date. The petitioner has undergone actual custody of 04 months and 24 days and similarly situated co-accused Virender Kumar has been granted concession of regular bail by the learned Sessions Court, Karnal.

9. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the charges have been

framed and no prosecution witness has been examined till date. Therefore, this



Court is of the view that further incarceration of the petitioner would not serve any purpose.

10. 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence.

10. 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.

11. 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.

07.11.2024
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(KIRTI SINGH)
JUDGE