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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M- 46109-2024
Date of decision:-12.12.2024

MUSTKIM

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Sahil Choudhary, Advocate for the petitioner.

 Mr. Surender Singh, AAG, Haryana.

 Mr. Divyam Singh, Advocate for the complainant.

SANJIV BERRY, J.(ORAL)

Status report by way of an affidavit dated 06.11.2024 of Deputy Superintendent of Police, Samalkha, Panipat, filed in the registry, is taken on record.

2. Learned State counsel has filed custody certificate dated 10.12.2024 the same is taken on record, copy thereof, has been supplied to the counsel opposite.
3. The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for grant of regular bail in the following case (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
169	02.10.2023	148, 149, 323, 325, 326, 341, 506, 120-B IPC	Bapoli, District Panipat, Haryana



4. Arguments heard.

5. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case, in fact the petitioner happens to be the complainant of the FIR who had reported the matter to the police and also got injuries sustained in the occurrence at the hands of the attackers. However, the police, during course of investigation transposed him as one of the accused alleging to be the conspirator, which is manifestly wrong. He contends that no specific over act is attributed to the petitioner, much less any injury, he is in custody since 08.01.2024, challan has already been presented in Court. Hence he prays for grant of regular bail to the petitioner.

6. *Per contra*, learned State counsel on instructions from SI Sukhanpal Singh and referring to the reply submitted by the State has opposed the bail petition by arguing that the petitioner happens to be the conspirator leading to the occurrence in which the victim sustained multiple injuries. However, he has not disputed the fact that petitioner originally happens to be the complainant of the FIR and has also suffered injuries. He submits that challan has already been presented in Court, whereas it is pending trial.

7. After considering the rival contentions and perusing the record, it transpires that as per the allegations reiterated in the reply by the State it is not disputed that the FIR was initiated by the petitioner, however, later he himself was made one of the accused. The allegations levelled as per reply and statement made by Investigating Officer present in Court, that the



petitioner happens to be one of the conspirator, without any specific overt act attributed to him. Admittedly, no injury is attributed to the petitioner and he is in custody since 08.01.2024, after completion of investigation, challan has already been presented in Court, the conclusion of trial to ascertain criminal liability, if any, of the petitioner in the present case, triable by the Court of Magistrate will take sufficient long time.

8. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

12.12.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |