



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206 CRM-M-46696-2024 (O&M)
Date of decision: 04.12.2024

Pardeep @ Monu @ Pardeep Kumar ...Petitioner
Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Himanshu Joshi, Advocate for the petitioner.
Mr. Rajbir Singh, DAG, Haryana.

FIR No.	Dated	Section/s	Police Station
198	22.06.2023	147, 148, 149, 307, 506, 420, 120-B IPC, 25 of Arms Act and 192 of Motor Vehicles Act (420 IPC and 192 of MV Act added later on)	Kasola, District Rewari

VIKAS SURI, J.

- Second petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in the above captioned case.
- The first bail application was dismissed as withdrawn on 12.09.2024 with liberty to file afresh under the applicable provisions of law.
- As per contents of FIR, it has been alleged as under:-



To, the S.H.O. Police Station Kasaula, Sir,

It is humbly requested that I Kamal singh son of Shri Satbir, R/o Village Patuheda Police Station Kasaula, Tehsil Bawal District Rewari and am doing Transport work in the Companies. I am having fifteen Pickup and Canter Vehicles, that I used to load goods from Companies at IMT Bawal area and send it out and ten days back I had estrangement with Satish Pehalwan son of Sh. Maduram Resident of Village Patuheda in connection of placing vehicles in SGS Company Sector 14 IMT Bawal. That Satish Pehalwan wanted to place vehicle of his Group in SGS Company, that our Tender was going on with SGS Company since around 1-1% years but none of the vehicle of group of Satish was getting place in the Company, that Satish Pehalwan daily used to cause harassment to the driver and conductor of our vehicle, amid this fact Satish Pehalwan used to nurture grudge, that four days back Tinku alias Chhattarpal Chairman Resident of Village Patuheda while giving death threat to me and my from SGS Company otherwise consequences would be bad. And amid this grudge Satish Pahalwan and Tinku alias Chhatarpal Chairman son of the Dharambir Resident of Village Patuheda and his accomplices Hansraj son of Shri Hargyan, Rajesh alias (Golu) son of Hetram, Sandeep alias (Aanta) son of Mahender, Monu son of Harkesh and Surender Pehalwan son of Shri Ranjit Residents of Village Patuheda and Tejpal Resident of Aaslwast together with each other had made a plan to kill me, that death threats were given to me, that today on dated 22.06.2023 time at around 6:15 PM in the evening I was sitting at Tea Shop of Sadan Sarma at PASCO Chowk IMT Bawal and was having Tea that first of all Hansraj son of Shri Hargyan came at Tea



shop on Motorcycle and went back after seeing me, then after some time at around 6.25 PM one white Coloured I-20 car make Accent (Hyundai Company) in which Rajesh alias (Golu), Sandeep alias (Aanta) Monu son of Shri Harkesh, Surender Pehalwan and Tejpal and two-three others came while boarding these Cars and alighted from the Cars and came to Tea shop and while coming in rage Rajesh alias (Golu) pointed a Gun upon my chest said that you are becoming hindrance in the work of Satish Pehalwan and Tinku Chairman, today I shall kill you, then he pulled the Trigger of his Gun but bullet was not fired, thereafter I about to run then Rajesh alias Golu fired a shot with an intention to kill me that the bullet passed away while touching my back shoulder then I got up and about to run for my survival then one bullet was fired by Sandeep, which passed away from my waist, thereafter I ran towards the village then my family members brought me for treatment at Pushpanjali Hospital Rewari, where my treatment is going on, that stern legal action may be initiated against them and life and liberty of my family may be protected.”

4. Learned counsel for the petitioner submits that co-accused Satish and Chhatarpal, who have been attributed the same role as the petitioner, have been granted the concession of bail. It is further submitted that though the petitioner has been attributed motive and has been implicated with the aid of Section 120-B IPC, but even if the allegations are taken on its face value, it is evident that on fateful day, the petitioner was not present at the spot.

5. The investigation stands concluded and report under Section



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173 Cr.P.C. was submitted on 20.09.2023; charges have been framed on 02.12.2023. Out of 20 prosecution witnesses cited, none has been examined so far. However, on 23.10.2024, complainant Kamal Singh was examined as PW-1 and his remaining deposition has been deferred on an application having been moved under Section 319 Cr.P.C. (Section 358 of BNSS) for summoning Hansraj son of Hargyan. The petitioner has been in custody since 26.06.2023 and by now has completed more than 1 year 05 months. The petitioner is not involved in any other case. The trial is getting unnecessarily delayed.

6. *Per contra*, learned State counsel has opposed the petition while referring to status report dated 22.11.2024 and has placed on record custody certificate of the petitioner dated 03.12.2024. Learned State counsel submits that petitioner is involved in other cases but he concedes that petitioner is on bail in those cases, as per custody certificate and that co-accused Satish and Chhattarpal are on bail.

7. I have heard learned counsel for the parties and gone through the paper book.

8. Keeping in view the aforesaid facts, 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, subject to his furnishing bail-bond and surety/sureties to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. It is made clear that the petitioner shall not influence the



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trial or prosecution witnesses in any manner directly or indirectly. The petitioner would regularly appear before the trial Court and will not seek unnecessary adjournments, lest the same would be construed as misuse of concession of bail.

10. Any observations or submissions noted above shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available on record.

December 04, 2024
sumit.k

(VIKAS SURI)
JUDGE

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