



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-56145-2023

Date of decision : 01.08.2024

Sahil

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Sandeep Yadav, Advocate for the petitioner.

Mr. Saurabh Mohunta, D.A.G., Haryana.

NAMIT KUMAR, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.244 dated 21.06.2021 registered under Sections 195-A, 323, 307, 452, 506 and 34 of Indian Penal Code, 1860 and Sections 25, 27, 29 of the Arms Act, 1959 (to which Section 325 of IPC was added later on) at Police Station Beri, District Jhajjar, Haryana.

2. The present FIR was registered on a complaint made by complainant-Monu alleging that in the intervening night of 23/24.04.2021, Sahil (the petitioner herein) and his companion Rahul and Sunny have beaten the complainant in the fields and for that FIR No.128 dated 24.04.2021 under Section 323, 341, 506 read with Section 34 IPC, P.S. Beri, was registered. After that, his uncle Subhash, aunt Mamta (parents of the petitioner) and petitioner-accused arrived several time at the house of complainant and asked to withdraw the registered case otherwise, to face consequences. The complainant refused to bow

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before the threat of the said persons. Having that grudge in minds, Subhash, Mamta, Sahil and Surender @ Kale entered in the house of complainant by breaking the main gate. Petitioner-accused was having revolver in his hand. Subhash was having Jelly and Mamta was having Lathi, as well Surender @ Kale was having danda. Upon entering in the house of complainant and saying that now face the consequences for not withdrawing the registered case, the trespasser/assailants started beating complainant party. Petitioner-accused indiscriminately fired from revolver and remaining gave blows of jelly and dandas. Fire arm injuries were suffered by injured Nahar Singh. After completion of the assault, assailants fled away from the spot.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. No specific injury has been attributed to the petitioner and whereas, the complainant party gave four head injuries to the petitioner, which are grievous in nature. The revolver, which is shown to be recovered, belongs to complainant party and the same has been planted upon the petitioner. He further submits that the petitioner is in custody since 20.12.2021. He further submits that investigation in the present case is complete; challan has been presented; charges have been framed; out of total 33 prosecution witnesses only 05 have been examined so far and trial may take a considerable time to conclude. Therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. Per contra, learned State counsel, while placing on record custody certificate has opposed the prayer for grant of regular bail to the



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petitioner on the ground that the petitioner is also involved in 06 other cases. However, he could not dispute the fact that the petitioner is in custody for the last more than 02 years and 07 months; investigation in the present case is complete; challan has been presented; charges have been framed; out of total 33 prosecution witnesses only 05 have been examined so far; trial may take a considerable time to conclude.

5. Learned counsel for the petitioner submits that in all other 06 cases, the petitioner is on bail. Relying upon the judgment of Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** learned counsel for the petitioner contends that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

6. I have heard learned counsel for the parties and perused the record.

7. Keeping in view the custody of the petitioner, which is 02 years, 07 months and 12 days; investigation is complete; challan has been presented; charges have been framed and out of 33 prosecution witnesses, only 05 have been examined and trial is likely to take a



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considerable time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

8. The petition stands disposed of accordingly.

01.08.2024

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(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No