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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-51336-2024
Date of Decision: 25.10.2024

Surender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. G.C. Shahpuri, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG Haryana

KIRTI SINGH, J.(Oral)

The jurisdiction of this Court under Section 483 BNSS Act, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.143 dated 13.05.2024, under Sections 323, 325, 302, 307, 506, 34 IPC registered at Police Station Sector 50, Gurugram, District Gurugram.

2. The facts in brief of the case are that the abovesaid FIR was registered by the complainant – Ranjak Jasuja alleging that on 12.05.2024 at about 11.00 p.m. Rishab Karmakar (care taker) came to his house, meanwhile, the complainant came outside his house after taking dinner and he saw that his neighbor Manoj Kumar, was having some heated arguments with him. When complainant asked the reason of quarrel from Manoj (who was having danda in his hand), he started quarreling and abusing the complainant and pushed him aside.

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His brother Rajesh (since deceased) was also present there. Meanwhile, mother, wife, brother and uncle of the accused and three-four other persons also came there. On hearing their noise, mother and wife of complainant also came and tried to rescue him. The accomplice of Manoj, who was wearing a cap, took a danda from Manoj and hit on the the right side of his head, due to which blood started oozing out from his head. Thereafter mother and wife of accused Manoj gave beatings to his mother. Thereafter Manoj hit brother of the complainant with his car and dragged him for a considerable period and then ran over the deceased.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case because the petitioner is real brother of co-accused Manoj. Learned counsel further submits that the police has collected CCTV footage from a camera installed near the place of occurrence and from the perusal of the said CCTV footage, it is crystal clear that it was the complainant party who came at the place of occurrence with danda when accused Manoj Kumar objected for the parking of the car and blocking of the road. He further submits that the petitioner has already undergone more than three months of custody and he has clean antecedents and there is no other case registered against him. Learned counsel for the petitioner submits that the petitioner is suffering from tuberculosis.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. The petitioner has already undergone more than three months of custody and there is no other case registered against him. He further submits the charges were framed on 18.09.2024 and out of 30 prosecution witnesses, none has been examined. He, however, submits that there are serious allegations against the petitioner and he is not entitled to the concession of regular bail.

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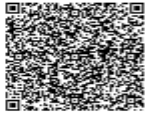
5. Heard the rival submissions made by learned counsel for the parties.

6. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the charges were framed on 18.09.2024 and no prosecution witness has been examined till date. The petitioner has undergone actual custody of 03 months and 16 days and he is suffering from tuberculosis, which is highly contagious disease. Therefore, this Court is of the view that further incarceration of the petitioner would not serve any purpose.

7. 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 she 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.

8. 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.



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9. 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.

(KIRTI SINGH)
JUDGE

25.10.2024
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No