



CRM-M-51968-2024

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**223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-51968-2024
Decided on : 25.10.2024

Vijay Partap

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Manvinder Sandhu, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

Mr. Gurwinder Singh Lakhyan, Advocate for
Mr. Charanpal Singh Bagri, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.38 dated 15.02.2024 under Sections 506, 452, 323, 148, 149 IPC (Section 308 IPC added later on) registered at Police Station Chhapar District Yamuna Nagar.

2. Learned counsel for the petitioner submits that the false implication of the petitioner in the instant case is evident from the fact that even though the occurrence in question allegedly took place on 14.02.2024, however, it was only on 08.07.2024 a disclosure statement was allegedly suffered by co-accused Satnam Singh and Shubham Dhiman, who nominated the petitioner as one of the



persons, who had accompanied them to the place of occurrence on the fateful day. Learned counsel has further submitted that even in the disclosure statement allegedly suffered by the co-accused, there was no specific role or attribution qua the petitioner. It has also been submitted that not only does the disclosure statement so made by the co-accused have weak evidentiary value but it also clearly hints towards his false implication in the present case in view of the inordinate delay in recording the same. Learned counsel has also submitted that co-accused on whose disclosure statement, the petitioner was nominated as an accused has been enlarged on bail.

3. On a further query put to the learned counsel, he submits that the investigation is complete as challan stands presented.

4. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed the stage of trial as well as custody period of the petitioner. It has also not been disputed that the petitioner was neither named in the FIR in question nor any suspicion raised qua his involvement. It has still further not been disputed by the State counsel that the disclosure statement was made by co-accused after five months of the alleged occurrence. However, it has been submitted that there was a CCTV footage wherein the petitioner was clearly visible along with the co-accused participating in the occurrence in question. However, learned State counsel on being asked has submitted that the petitioner has no



other previous criminal antecedents.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. It would be apposite to reproduce the allegations levelled in the FIR in question, which stand as under:

“To SHO, Police Station Chhapar YNR. Sir, it is requested that I Kamal Randhawa son of Gurjeet Singh am resident of Kheri Darshan Singh. Sir, I have a cloth shop in Mustafabad, today Lalit Dhiman and Ankit Rana, Harman residents of Namdarpur and their companions came to my shop, afterward they went away from there and now in Sabalpur, they surrounded us and attacked us with sticks, rods and kirpans and they also had pistols and Gatta and they came in cars i-20 whose number is not known and i-10 whose number is not known in which, I and Mandeep have received a lot of injuries, now we are going to hospital. We request you to take legal action against them. Thank you SD/-”

7. The investigation in the present case is complete; as many as 27 prosecution witnesses have been cited and hence, the trial would take considerable time to conclude. The petitioner is not stated to be involved in any other criminal case nor he has been attributed specific injury in the occurrence in question.

8. In the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioner has clean antecedents, this



Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

25.10.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No