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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M- 52774-2024
Date of decision:-27.11.2024

SANDEEP ALIAS SUKHA ALIAS DEEPI
... Petitioner

Versus

STATE OF HARYANA
... Respondent

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

Present:- Mr.Vishal Singh, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed reply by way of affidavit dated 20.11.2024, of Deputy Superintendent of Police, Fatehabad, alongwith custody certificate dated 27.11.2024 the same are taken on record. Copies thereof, have been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 483 of Bharatiya Nagarik, Suraksha Sanhita, 2023, for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
340	02.08.2024	115, 118(1), 118 (2), 190, 191(3), 351(2) and 61(2) of BNS, 2023 (118(2) of BNS added later on)	Sadar, Fatehabad, District Fatehabad

3. Arguments heard.



4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that no specific overt act is attributed to the petitioner and even as per the allegations the petitioner is alleged to have given slaps, punches and kicks to the complainant, which is manifestly wrong and his name surfaced in the supplementary statement of the complainant. He contends that petitioner was arrested on 23.08.2024 and since then he is in custody. After completion of investigation challan has already been presented in Court, as such petitioner is not required for further investigation. Hence he prays for grant of bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail application by arguing that the petitioner had given kicks and fist blows to the complainant, as such he is not entitled for bail. However, he has not disputed the fact that after completion of investigation, challan has been presented in Court wherein prosecution has cited 18 witnesses and none of them have been examined till date.

6. After considering the rival contentions and perusing the record, it transpires that the FIR was registered on the statement of Jeet Singh stating that on 30.07.2024 at about 6:00 PM he was in his field at that time 7-8 boys came on three motorcycles and out of them four boys armed with sticks and kappa and attacked him on raising alarm assailants ran away while issuing verbal threats. Admittedly, the petitioner was nominated in the supplementary statement of the complainant and was arrested on 23.08.2024, since then he is in custody and is not having any other criminal case



registered against him. After completion of investigation, challan has been presented in Court wherein prosecution has cited 18 witnesses and none of them have been examined till date. Therefore, the conclusion of trial to ascertain criminal liability, if any, of the petitioner in the present case will take sufficient long time.

7. 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.

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

(SANJIV BERRY)
JUDGE

27.11.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |