



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

300-2

CRM-M-58566-2023 (O&M)
Date of decision : 27.05.2024

Satish Petitioner
versus

State of Haryana Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Vinod Ghai, Senior Advocate with
Mr. Manoj Tanwar, Mr. Arnav Ghai and
Mr. Shivam Sharma, Advocates
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana
with SI Vijay Kumar.

Mr. Jatinder Kumar Kansal, Advocate for
Mr. Abhinav Gupta, Advocate
for the complainant.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C.
for grant of regular bail to the petitioner in case bearing FIR No.198
dated 22.06.2023, registered for the offences punishable under Sections
147, 148, 149, 307, 506 and 120-B of IPC and Sections 25/54/59 of
Arms Act, 1959, at Police Station Kasola, District Rewari.
2. As per contents of the FIR, it has been alleged as under:-

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

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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 Aaslwas 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

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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. Thanking you. Sd/- Kamal Singh.xxxx”

3. Learned senior counsel appearing for the petitioner submits that though the petitioner has been attributed motive and has been implicated with the aid of Section 120-B of the Code, but even if the allegations are taken on its face value, it is evident that on fateful day i.e. on 22.06.2023, the petitioner was even not present on the spot.

4. This Court has been repeatedly directing prosecution to make an endeavour to examine the complainant by passing order on 19.03.2024 and that too on 13.05.2024. However, neither the State Counsel nor the counsel representing the complainant is in position to dispute that till date, the complainant has not presented himself for



examination. Rather counsel for the complainant submits that despite best efforts having been made, they are not able to contact the complainant.

5. Petitioner is behind bars since 28.06.2023 and by now has completed almost 11 months. Investigation stands concluded. Challan stands presented and the trial is also getting delayed as the complainant has opted not to appear.

6. Keeping in view the aforesaid facts, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

8. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

27.05.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No