



213

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

CRM-M-54527-2024

Date of Decision: 08.11.2024

Surender Kumar

...Petitioner

VS.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Vikas Sonak, Advocate for Mr. Sunil Saharan, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.491 dated 18.07.2024 registered under Sections 3(5), 318(4), 351(2), 111(2), 308(2), 338, 336(3), 340(2), 238, 215 of BNS, 2023 and Sections 7-A, 13, 8 of PC Act, at Police Station HTM, Hisar, District Hisar.

2. Learned counsel for the petitioner contends that the petitioner is neither named in the FIR nor there is any averment to connect the petitioner with the crime in any manner. Learned counsel has placed reliance on the orders (Annexures P-2 to P-5 respectively) passed by this Court, whereby co-accused, namely, Raj Kumar alias Raja Gurjar, Jai Singh, Sanjeev Kumar and Mukesh Kumar have already been granted the concession of bail by this Court. He has also referred to the orders Annexures P-6 and P-7 passed by this Court, whereby two more co-accused, namely, Pardeep Yadav and Sunil Kumar have been admitted to bail by this Court. The petitioner was arrested in the present case on 16.09.2024 and the documentary evidence has already been taken into possession by the police.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that

serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

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

5. It is the admitted position that co-accused, namely, Raj Kumar alias Raja Gurjar, Jai Singh, Sanjeev Kumar and Mukesh Kumar have already been granted the concession of bail by this Court vide orders Annexures P-2 to P-5 and co-accused, namely, Pardeep Yadav and Sunil Kumar have been granted the concession of regular bail by this Court vide orders Annexures P-6 and P-7. The co-accused of the petitioner remained in custody for several months and the documentary evidence, if any, has already been collected by the police. The petitioner is in custody since 16.09.2024 and no purpose will be served by keeping him behind bars. Moreover, the State of Haryana has not been able to place on record any material to show that the petitioner is in a position to influence the witnesses of the prosecution or may abscond from the process of law.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

08.11.2024.
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(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No