



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

CRM-M-55608-2024

Date of Decision : **13.11.2024**

AMARDEEP

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Shivani Jaglan, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for him being enlarged on regular bail, in case FIR No.490, dated 24.11.2023, under Sections 323, 325 379, 34 and 506 IPC (Sections 307 IPC added later on), registered at Police Station Israna, District Panipat.

2. The instant FIR, was registered on an information received by the police regarding admission of victim Ashu, Parveen and Karambir, in the NC Medical College, Israna, District Panipat, due to the injuries received on account of assault. The relevant extract of the FIR reads as under:-

“.....I, Karambir S/O Dhara Singh, a permanent resident of Village Shamdi Buran, wish to bring the following incident to your notice for appropriate legal action. On 22.11.2023, my nephew. Praveen S/O Shri Dharambir, and my relative, Ashu S/O Mohan, a resident of Bajana Kalan, were traveling from Panipat to Gohana. When we reached near

Shahpur bus stand, in front of Mahakal Dhaba, we saw the driver of our acquaintance, Kamal Transporter, extracting oil from his vehicle. Praveen noticed this and immediately informed Kamal over the phone. Kamal instructed Praveen to record a video of the incident. We stopped the vehicle, and Praveen made a video of the driver extracting oil. Soon after, Dhaba operator Ajay and the driver, Chhabil Singh S/O Mahendra Singh, resident of Nooran Kheda, Tehsil Gohana, approached us and demanded that the video be deleted. Praveen informed them that he had already sent the video to Kamal. A short while later, Kamal arrived at the scene and advised the driver to go to the police post or station. At this point, Ajay, the Dhaba operator, and driver Chhabil called for backup. About 6-7 men arrived, armed with sticks, rods, and other weapons. They attacked us, aiming for our heads with rods, and repeatedly shouted that we should be killed. They inflicted severe injuries on me (Karambir), Praveen S/O Dharambir, and Ashu S/O Mohan, to the extent that we were left unconscious on the ground. Even as they left, they continued threatening us with death. Therefore, I humbly request that immediate legal action be taken against Ajay, Chhabil, and the 6-7 unidentified men involved in this brutal attack. Applicant: Karambir Singh, Mobile No.: 9813747844. Police Action: On 22.11.2023, information was received that Ashu S/O Mohanlal, a resident of Village Bajana, District Sonipat, along with Praveen S/O Dharambir and Karambir S/O Dhara, residents of Village Shandi, District Sonipat, were involved in a violent altercation and were admitted to N.C. Medical College, Israna, for treatment. For further action, the Investigation Officer (1/0) was dispatched to the medical college. Upon reaching the hospital, the Head Constable (HC) obtained the medical certificates of the victims. A written application regarding the fitness (FIT/UNFIT) of the victims was submitted to the attending doctor. The doctor reported that all three laborers were unfit to give statements at that time. Dharambir S/O Dhara Singh, a resident of Shamdi, was present with the victims and submitted a written application requesting legal action. A report was registered in the police diary on 24.11.2023. On the same day, Karambir S/O Dhara, a resident of Shamdi, came to the police station and submitted a written application along with the Medico-Legal Reports (MLR) of Karambir, Ashu, and Praveen. The application detailed the severity of the incident, and it was presented in a strong manner for further legal proceedings. Police Action Report: Date: 24.11.2023, Police Station: Israna, District Panipat, Officer in Charge: SD HC Rajesh 05/PPT. On 24.11.2023, after receiving a complaint, an FIR was registered under FIR No. 490 DT. 24.11.2023, under sections 379, 323, 506, and 34 of the IPC at Police Station Israna, District Panipat. The complaint pertains to allegations of theft, assault, criminal intimidation, and common intention. Actions Taken: Computerized copies of the FIR were prepared. Due to the unavailability of the original FIR and related police copies, HC Rajesh took them under his custody for further action. The remaining copies of the FIR are being sent to the Area Magistrate via post and other relevant officers for their records. Further Action:- A spot investigation at the scene of the incident is scheduled for tomorrow.”

3. In asking for the relief (*supra*), learned counsel for the petitioner, mainly placed reliance upon a compromise, dated 30.09.2024,

as effected between the parties concerned (Annexure P-4). He further submits that all the victims are now hail and hearty.

4. He further submits that two co-accused namely, Chhabil alias Chhabeel Singh and Ajay, have been granted the relief of regular bail by this Court vide orders dated 28.10.2024 and 08.11.2024, passed in CRM-M-50718-2024 and CRM-M-54625-2024, respectively.

5. Finally, he submits that the petitioner is in custody since 02.05.2024, and he is a man of a clean antecedents, and has suffered sufficient incarceration in the instant matter, and the trial is still at an initial stage, therefore, further incarceration of the petitioner is unwarranted.

6. On the other hand, learned State counsel, informs this Court, on instructions imparted to him by the police official concerned, that in the instant FIR, final report has been filed on dated 11.07.2024, and charges have been framed on dated 22.08.2024. In the final report, the prosecution has cited total 13 witnesses, but none of them, has been examined so far.

7. This Court has heard the learned counsel for all the parties concerned, and has gone through the entire case file.

8. Considering, the nature of allegations, as levelled against the present petitioner, and petitioner is in custody since 02.05.2024, and he is not invovled in any other criminal case, and the charges have been framed on dated 22.08.2024, however, out of the total 13 prosecution

witnesses, none has been examined, and conclusion of the trial would take a long time, and the fact that two co-accused have already been granted the relief of regular bail by this Court vide orders (*supra*), this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail, on furnishing of his respective bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as is involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

10. All pending application(s), if any, also stand **disposed** of accordingly.

November 13, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No