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

Sr. No.224-2

**CRM-M-55303-2024(O&M)
Date of decision : 28.11.2024**

Nadeem and another

..... Petitioners

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sahil Choudhary, Advocate, for the petitioners.

Mr. Gaurav Bansal, DAG, Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 BNSS, 2023 has been invoked for grant of regular bail to the petitioners in case FIR No.248 dated 25.04.2024 under Sections 148, 149, 308, 323, 324, 452 & 506 IPC, registered at Police Station Sector-29 Panipat, District Panipat, Haryana.

2. The translated version of the FIR is reproduced below:-

*“To, The SHO, Police Station Sector 29, Panipat.
Subject: Complaint regarding assault. Sir, I, Sandeep, s/o Omprakash, a r/o Siwah village, operate a grocery shop on Maile Dahola Road in Munshi Colony, Siwah. Approximately 8 to 10 days ago, my son Mohit had an altercation with Sanjay over a matter. In an attempt to resolve the issue, my family and I visited Sanjay's parents to discuss the situation. However, Sanjay held a grudge against me for this visit. On 24-04-2024, at around 6:00 PM, I was sitting at my shop when Ajit, s/o Mainpal, a r/o Shamli who currently resides in Munshi Colony, came to buy some goods. Suddenly, six or seven boys entered the shop, armed with sticks and axes. They attacked both me*

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and Ajit. Sanjay struck me with the axe he was holding, and another person beat Ajit. Two individuals, whom I could not identify, also assaulted me with axes. As I tried to escape, Vishal, s/o Vijay from Siwah village, who was standing outside the shop, fled the scene on his motorcycle. The attackers continued beating me and threatened to kill me. While I tried to shield my head with my hands, I sustained injuries to my head, hands, legs, and waist. Believing I was dead, the assailants left the scene. I lost consciousness and only regained it at Park Hospital, where I was brought by my grandson, Mohit. I will submit video evidence of the attack as proof. I request that strict action be taken against all those involved in this assault.”

3. Learned counsel for the petitioners *inter alia* submits that the petitioners have been falsely implicated in this case. He submits that the petitioners have not been named in the FIR and no specific injury have been attributed to him. He further submits that the petitioners have undergone an actual custody of 06 months and 28 days.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioners. He states that the petitioners were actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioners have undergone an actual custody of 06 months and 28 days and there is no any other case registered against them. He on instructions from ASI-Rishi Parshad submits that charges were framed on 23.09.2024. He also submits that out of a total of 12 prosecution witnesses, none of the witness has been examined till date. He however,

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submits that in view of the serious allegations against the petitioners, they are not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. The veracity of the allegations leveled against the petitioners shall be established during the course of the trial. Admittedly, charges have been framed on 23.09.2024 and out of total 12 prosecution witnesses, none of the witness has been examined. The investigation is complete and the conclusion of the trial will take a considerable time. The petitioners have undergone an actual custody of 06 months and 28 days and there is no any other case registered against them. Therefore, this Court is of the considered view that further incarceration of the petitioner will not serve any purpose.

7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner are ordered to be released on regular bail on their furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioners shall also abide by the following conditions:-

- (I) The petitioners will not tamper with the evidence during the trial.
- (II) The petitioners will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioners will appear before the trial Court on the date fixed, unless personal presence is exempted.

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(IV) The petitioners shall not commit an offence similar to the offence of which he is accused of, or for commission of which they are suspected.

(V) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

28.11.2024
Ramandeep Singh

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No