

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

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**CRM-M-57431-2024
Date of Decision: 22.11.2024**

Shiv Kumar @ Shiva Pandit

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Raghav Sharma, Advocate,
Mr. Ajay Pal Singh Dhillon, Advocate and
Mr. Vishal Bhardwaj, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, DAG, Haryana.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 with a prayer to grant a regular bail in case FIR No.382 dated 05.08.2024 registered under Section(s) 109(1), 115(2), 118(1), 190, 191(3) and 351(2) of BNS, 2023 (Annexure P-1) at Police Station Kurukshetra University, District Kurukshetra.

2. Learned counsel for the petitioner contends that the petitioner was initially not named in the FIR and has been nominated as an accused on the basis of the disclosure statement suffered by the co-accused. He further contends that similarly placed co-accused Salinder Kumar and Rahul have already been granted the concession of anticipatory by this Court vide orders (Annexure P-2) and (Annexure P-3) respectively. The petitioner was arrested in the present case on 06.08.2024 and after completion of investigation,

final report under Section 173 Cr.P.C. has already been presented against him. He further contends that even the injury which attracts the offence under Section 109 IPC has not attributed to the petitioner.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner along with his co-accused came at the place of occurrence duly armed with the sticks and the injured suffered grievous injuries on his head. Thus, he does not deserve the concession of bail by this Court.

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

5. It is not in dispute that co-accused namely Salinder Kumar and Rahul have already been admitted to bail by this Court vide orders (Annexure P-2) and (Annexure P-3) respectively. The petitioner is stated to be in custody since 06.08.2024 i.e. more than 03 months and challan has already been presented against him.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

22.11.2024

(N.S.SHEKHAWAT)

M.Sikka

JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No