

2024:PHHC:156896



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

Sr. No.221

**CRM-M-58341-2024(O&M)
Date of decision : 27.11.2024**

Sunny

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Parveen Kaushik, Advocate, for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.0120 dated 11.05.2024 under Sections 307 & 34 IPC and Section 25 of the Arms Act (later on Sections 148, 149 & 120-B IPC and Section 27 of the Arms Act added), registered at Police Station Beri, District Jhajjar, Haryana.

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

“To the SHO Sahab Police Station Beri, it is requested that I Mahesh son of Jagdish resident Fatehgarh District Charkhi Dadri. On 10.05.2024, I and my son Sahil came to Beri village for the wedding of my nephew Amit son of Anil Kumar, resident of Fatehgarh District Charkhi Dadri. I was in a separate car and Sahil had come in a hired a separate car. Sahil was driving Breezaa while number HR-130-5873 himself and his friends/relatives Mohit, Balraj and Sahil were also in the car with him. When we reached near Jat Dharamshala on Gochhi road in Beri at around 10.00 PM, two boys came riding a bike and stopped near Sahil's car and started asking Sahil something. During this time, one of the boys shot Sahil and

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both the boys riding the bike fled from there. Then with the help of other known persons, I brought my son Sahil to PGI Rohtak for treatment. Action should be taken against the bike rider two boys. Sd/- Mahesh.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case. The petitioner has not been named in the FIR. He further submits the co-accused had fired on Sahil and there is no allegation qua the petitioner and nothing has been recovered from him. He further submits that the petitioner has undergone an actual custody of 06 months and 11 days and is not involved in any other criminal case.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was 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 petitioner has undergone an actual custody of 06 months and 11 days and there is no other criminal case registered against him. He on instructions from the concerned investigating officer submits that charges have been framed on 19.10.2024. He also submits that out of a total of 27 prosecution witnesses, 01 witness has been examined till date. He however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

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

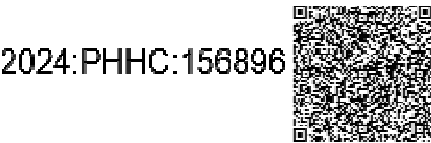
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6. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, charges have been framed and only 01 witness has been examined out of total 27 witnesses. The petitioner has not been named in the FIR. The investigation is complete. The petitioner has undergone an actual custody of 06 months and 11 days and there is no other criminal case registered against him. The conclusion of the trial will take a considerable time. 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 is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) The petitioner 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

27.11.2024

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No