



221 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58828-2024

Date of Decision: 29.11.2024

Vishal alias Sagar

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Sandeep Singh, 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 to him in case FIR No.113 dated 26.04.2024 registered under Sections 323, 506, 34 of IPC and Sections 307, 325 & 427 of IPC (added lateron), at Police Station Kalayat, District Kaithal.
2. The FIR in the present case was registered on the basis of the statement made by Mohit and the same has been reproduced below:-

“ Statement Mohit S/O Ishwar Singh resident Nathwan Patti Batta Police Station- Kalayat District Kaithal, age about 22 years, Mobile No. 8307239465 Stated that I am a resident of the above address and do farming. On 25-4-2024 at about 3:30 pm, I was sitting at Deepak Nirmal's office at Sajuma Road Batta, when a silver coloured car stopped outside the shop and Rahul alias Pintu S/o Balkar Singh got out of the car with an gandasi in his hand and Sagar alias Lebra S/o Rajesh resident Batta with a rod in his hand and came inside the office and



challenged me. I escaped from the back gate of the office. Both of them ran after me. To save myself from them, I entered the hardware shop of Rakesh alias Kala S/o Pala Ram resident Batta and they too followed me inside the shop and Rahul alias Pintu attacked me with the gandasi he was holding in his hand. I grabbed the gandasi and then Sagar hit me on the head with the rod he was holding in his hand. As soon as the rod hit my head, I fell on the floor and then both of them attacked me with the gandasi and the rod they were holding in their hands. When I shouted, people from the vicinity came. Seeing them, both of them threatened to kill me and fled from the spot with their weapons. My neighbour Sumit S/o Kashmir Singh R/o Batta admitted me to the government hospital in a private vehicle. Where I was given first aid and sent to the government hospital Kaithal where my family members admitted me. I am admitted to the government hospital Kaithal for treatment. Both the accused had come in a silver coloured S-PRESSO car. Strict legal action should be taken against the above accused Rahul @ Pintu and Sagar @Lavra. I have written my statement to you. It is okay if you have read it. SD Mohit.”

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case by alleging that the petitioner had caused an injury with an iron rod on the backside of the head of the complainant and thereafter, the co-accused had caused injuries collectively to the complainant. He further contends that the petitioner was arrested in the present case on 27.05.2024 and after his arrest, the investigation has already been completed and challan has been presented against him. Learned counsel for the petitioner has referred to Annexures P-3 to P-5 and submitted that Sumit, PW-1, Rakesh @ Kala PW-2 and Reena, PW-3 have not supported the case of

the prosecution. Since all the material witnesses have not supported the case of the prosecution, the chances of his conviction are bleak. He further contends that since the material witnesses have already been examined, he would not be in a position to influence the witnesses of the prosecution.

4. 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. However, he admits that there was no other case against the petitioner.

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

6. The petitioner is in custody since 27.05.2024 i.e. for the last more than 06 months. Moreover, the material witnesses of the prosecution have not supported the version of the complainant. Thus, no purpose will be served by keeping the petitioner behind bars.

7. Without discussing any further 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.

		(N.S.SHEKHAWAT)
		JUDGE
29.11.2024.	Whether speaking/reasoned	: Yes/No
hemlata	Whether reportable	: Yes/No