

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

103/225

CRM-11178-2024 in/&
CRM-M-65293-2023 (O&M)
Date of decision:19.03.2024

Sompal @ Mohit

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vivek Singh, Advocate for
Mr. Rahul Jaswal, Advocate for the applicant-petitioner.
Ms. Priyanka Sadar, AAG Haryana.

SUMEET GOEL, J. (Oral)

CRM-11178-2024

Application is allowed as prayed for. Document is taken on record as Annexure P-4, subject to all just exceptions. Registry to tag them at the appropriate place.

CRM-M-65293-2023

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.100 dated 10.07.2023, registered for the offences punishable under Sections 323, 341, 354, 452, 506 IPC, Section 354-D of IPC (added later on) and Section 12 of POCSO Act, 2012 at Police Station Bapoli, Panipat, District Panipat.

2. The case set up in the FIR in question is as follows:-

“To SHO Sir, Police Station Bapoli District Panipat. Subject - Regarding the application to take legal action against Mohit son of Shri Birampal caste Jheemar resident of village Goyla Khurd Tehsil Bapauli District Panipat. Respected Sir, it is a humble request that I, Shushil Panchal, Aadhaar No. 380099217211, Son of Shri Prithvi Panchal, resident of

village Goyla Khurd, Tehsil Bapoli, District Panpit, and belong to the Lohar caste of Hindu religion, I earn my living by running a grocery shop adjacent to my house. I have been supporting my family and on 09.07.2023, my elder daughter Radhika had come to collect some goods from Bapauli village. And while my daughter Radhika was returning to the village after taking the goods, Mohit son of Mr. Birampal, the above accused blocked the way of my daughter Radhika and misbehaved with her. My daughter Radhika, saving herself, somehow reached home. After coming home, my daughter told me about the above incident. Today on 10.07.2023, I was sitting in my shop like every day, then Kittu, the elder brother of the above mentioned accused came, I complained to him about my daughter being given to me by the above mentioned accused and in order to convince the above mentioned accused, I asked him to leave from here. Later, the above accused came to my shop and started telling me how dare you complain about me to my brother and after entering my shop he attacked me with sticks, kicked and hit me with sticks and I am handicapped in my legs. Due to which I lost my balance and fell on the floor, after which the above accused tried to kill me by strangulating me, my wife is suffering from paralysis and kept praying to leave me. But the above mentioned culprit did not stop beating me. After a lot of beating, when a passerby in the street heard the noise, he came to the spot and saved my life from the above mentioned culprit. Then the above mentioned culprit ran away after threatening to kill me and my family. Therefore, I request you to give me justice by taking the strictest legal action against the above mentioned culprit. Sir, it will be very kind. Applicant SD/ - Sushil Sushil Panchal, son of Shri Prithvi Panchal, resident of village Goyla Khurd, Tehsil Bapauli District Panpit Mob. 9306714990, 10.7.2023”

3. Learned counsel for the petitioner has argued that the petitioner was arrested on 11.07.2023 and is in custody ever since then. Learned counsel has further argued that the material/private witnesses have already been examined as PW-1 (victim) and PW-2 (father of the victim). It has been further argued that the petitioner has been falsely implicated in the case on account of the rivalry between their families. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 18.03.2024 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 11.07.2023 whereinafter investigation was carried out and challan stands presented on 23.08.2023. Total 15 prosecution witnesses have been cited and conclusion of the trial will take its own time. The material private witnesses i.e. PW-1 (victim) and PW-2 (father of the victim) already stand examined. The rival contention of learned counsel for the parties; as to whether the petitioner has been falsely implicated in the FIR in question; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the cause of trial. The petitioner is a young-man aged 23/24 years of age and is on the cross-roads of his career, which would forever jeopardize his future. Nothing tangible has been brought forward on record to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence. As per custody certificate dated 18.03.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than 08 months & is not shown to be involved in any other case. Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

March 19, 2024
Ajay

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