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

Sr. No.217

**CRM-M-61821-2024(O&M)
Date of decision : 13.12.2024**

Ritik @ Ritik Verma

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Surender Saini, Advocate, for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

Mr. Nikhil Saini, Advocate, for respondent No.2.

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.220 dated 23.04.2024 under Sections 379-B/34 IPC, registered at Police Station Kharkhoda District Sonapat.

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

“To SHO, PS Kharkhoda, Sir it is stated that I Akhilesh Kumar son of Roopram, am resident of 22 A B 3 Block Chotha Pusta, Soniya Vihar Krawal Nagar, Delhi 94, at present E.2.382 Chotha Pusta, Soniya Vihar Krawal Nagar, Delhi working as Foreman in Maruti Company, Gopalpur, Kharkhoda. Yesterday night I started from my room in Kharkhoda on my motorcycle No.HR11D8983 CT Deluxe colour Red-Black which I borrowed from my owner Sumit was going on duty to the company while driving myself. When about 12.00PM I reached Village Gopalpur Rajbaha Bridge, three boys were standing on the bridge, stopping me they said that there friend is injured and have to go to the hospital, then I was

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taken in by their words and I returned towards Kharkhoda hospital with the three with me. At about 12.30AM when I reached near petrol pump Village Pipli then the three told me to stop the motorcycle. When I stopped the motorcycle the three threatened and the three snatched my motorcycle from me and ran away towards Kharkhoda. I too ran away being scared. I can recognise the three boys if they appear in front of me. The three be caught and my motorcycle be given back. Legal action be taken against the three. Complainant-Akhilesh Kumar 22 A E 3 Block Chotha Pusta, Soniya Vihar Krawal Nagar, Delhi M.No.94 96501 91646 dated 23.04.2024 sd/- Akhilesh Kumar.”

3. Learned counsel for the petitioner *inter alia* submits that the parties have amicably settled the dispute between both the parties. The petitioner has undergone an actual custody of 07 months and 17 days and is not involved in 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 07 months and 17 days and there is no other criminal case registered against him. He on instructions from the concerned investigating officer submits that charges were framed on 18.09.2024 and out of a total of 09 prosecution witnesses, none 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.

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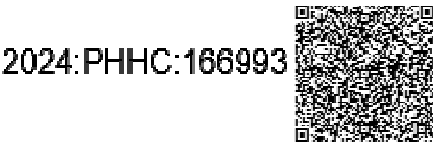
5. Learned counsel for the complainant submits that the matter has been compromised between both the parties.

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

7. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the petitioner has undergone an actual custody of 07 months and 17 days and there is no other criminal case registered against him. The investigation is complete. Charges were framed on 18.09.2024 and none of the prosecution witness has been examined. The matter has been compromised between both the parties. 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.

8. Without commenting 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.

9. 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.

10. 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

13.12.2024
Ramandeep Singh

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