



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

244 (two cases)

**CRM M-62352 of 2024 (O&M)
Date of Decision: 17.12.2024**

(1) Avtar Singh @ Relu ...Petitioner
Versus
State of Haryana ... Respondent

CRM M-62381 of 2024 (O&M)

(2) Sahil alias Pinky ...Petitioner
Versus
State of Haryana ... Respondent

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

Present : Mr. Daljeet Singh Virk, Advocate
for the petitioner(s).

Mr. Arun Kumar, AAG, Haryana.

Ms. Upasna Gandhi, Advocate &
Mr. Piyush Mittal, Advocate for
Mr. Arpandee Narula, Advocate
for respondent No.2.

N.S.SHEKHAWAT, J. (Oral)

1. This order shall dispose off two bail petitions, i.e., CRM M-62352-2024 titled as “**Avtar Singh @ Relu Vs. State of Haryana**” and CRM-M-62381-2024 titled as “**Sahil @ Pinky Vs. State of Haryana**”, whereby, the petitioners have applied for grant of regular bail under Section 483 of the BNSS in case FIR No.89 dated 09.03.2023 under Sections 148, 149, 323, 325, 307, 302, 341 & 506

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of IPC, 1860 (Annexure P-1) registered at Police Station Ellenabad,
District Sirsa.

2. Ms. Upasna Gandhi, Advocate has put in appearance on behalf of respondent No.2 by filing her memo of appearance in both the cases, which are taken on record.

3. The FIR in the present case was registered on the basis of the statement made by Gurpal Singh son of Makhan Singh and the same has been reproduced below:-

“Stated that I am resident of Ward No. 5 Ellenabad, District Sirsa, aged about 40 years, mobile No. 8930202576 and I am doing private job. I have two children and both are boys, the name of my elder son Harmeet Singh and younger son is Gurmeet Singh who is studying in 10th class. Today on 08.03.2023, my son along with his friend Rohtash son of Sadhu Ram, resident of Bighar, Charanjit Kumar son of Amar Singh, resident of Nomla had gone from the house at around 10.00 AM on his motorcycle TVS to enjoy the Holi festival and at around 1.00 PM, when my son and his friends reached at Tibbi Adda Ellenabad, then Ajay Brar resident of Ward No. 6 Ellenabad armed with Kapa, Raju son of not known resident of Ward No. 5 armed with baseball, Pinki son of Mange Datar resident of Ward No. 4 armed with Lathi, Amit Sitia Nayak resident of Ward No. 4 armed with bottle, Mukesh son of not known resident of Ward No. 4 and Avtar Singh Bhular resident of Ward No. 4 armed with Lathi and iron rod and their 4-5 unknown associates armed with

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brick/brick bats/stonewere already present there and they have stopped the motorcycle of my son and they had thrown his motorcycle on the ground, in the meantime, Ajay Brar has given blow of his Kapa to my son with the aim to kill him which hit on his head, Raju has given blow of his baseball on the head of Charanjit, Pinky has given blow of his Lathi on the left side hand of my son, Amit has given blow of his bottle on the head of Rohtash, Mukesh Avtar has given kick blows and fist blows to my son and 4-5 unknown persons have started beating to Rohtash and Charanjit and thrown bricks and stones on them and they all had caused injuries to my son and his friends. My elder son Harmeet alias Sonu has informed me about it that they are beating to my brother and his friends at Tibbi Adda, therefore I reached at the spot and on looking me there, all the assailants ran away from the spot along with their weapons by threatening to kill them and told that we have give you taste for not giving us the red colour, in the meantime, Ambulance reached there, then I made to sit my son, charanjit and Rohtash in the Ambulance who were badly injured and took them to Civil Hospital Ellenabad, where the doctor has referred my son and Charanjit to Sirsa. Legal action be taken against Ajay Brar, Raju, Pinky, Amit Sitia Nayak, Mukesh, Avtar and their 4-5 unknown associates. Statement got recorded, heard, same is correct. Sd/- Gural Singh, attested by Rajbir SI, Police Station Ellenabad dated 08.03.2023.”

4. Learned counsel for the petitioners contends that as per the case of prosecution Avtar Singh (petitioner in CRM-M-62352-

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2024) had allegedly given fists and kicks blows to Gurmeet Singh, since deceased. He further contends that the post-mortem report of Gurmeet Singh has been annexed as Annexure P-3 and from a perusal of the post-mortem report, it is apparent that the said injury does not find mentioned in the medical record. Similarly, it has been alleged against Sahil @ Pinky (petitioner in CRM-M-62381-2024) that he had caused an injury with a lathi on the right hand of Gurmeet Singh. Again the said injury, which is attributed to Sahil does not find mentioned in the medical record. Learned counsel further contends that both the petitioners were arrested in the present case on 12.03.2023 and are in custody for the last more than one year and 9 months. He further contends that in the present case, the statement of Gurpal Singh has already been recorded as prosecution witness. Examination-in-chief of Gurpal Singh has already been recorded before the Court. Still further Ajay Brar, to whom the certain blow is attributed, has already been arrested by the police and is in custody. Learned counsel further referred to the order Annexure P-5 passed by this Court, whereby other co-accused namely Himanshu Sharma, Sagar @ Kaku, Nirmal Sharma and Sachin have been granted the concession of bail by this Court.

5. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground



that both the petitioners are named in the FIR and were present at the place of occurrence.

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

7. In the present case, both the petitioners are in custody for the last more than one year and 9 months. Whether the petitioners had actually participated in the commission of crime or not shall be determined by the trial Court during the course of trial. At this stage, keeping in view the period undergone by both the petitioners, the role assigned to both of them as well as the fact that other co-accused have been granted the concession of bail, the petitioners are also entitled to be released on bail.

8. Without commenting on the merits of the case, the present petition is allowed. The petitioners are ordered to be released on bail pending trial on their furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioners 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 them to disclose such facts to the Court or to any other authority.

(ii) The petitioners shall remain present before the Court on the dates fixed for hearing of the case.

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(iii) The petitioners shall not absent themselves from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioners shall surrender their passports, if any, (if already not surrendered), and in case they are not holder of the same, they shall swear an affidavit to that effect.

(v) The petitioners shall also file their affidavits before the concerned Court, mentioning their ordinary place of residence and number of mobile phone, which shall be used by them during the pendency of the trial. In case of change of place of residence/mobile number, they shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioners are involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioners.

(viii) The petitioners shall report on every 1st Monday of English calender month to the concerned SHO till the conclusion of the trial and SHO shall mark their presence by making an entry in the Rojnamcha.

9. In case, the petitioners violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to them shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

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10. Pending application(s), if any, stand(s), disposed of, accordingly.

17.12.2024

(N.S.SHEKHAWAT)

vipin

JUDGE

Whether reasoned/speaking

:

Yes/No

Whether reportable

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Yes/No