

2025:PHHC:078722



223.

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

CRM-M-1028-2025

Date of decision: 03.07.2025

Atul

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Kamal Chaudhary, Advocate, for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this second petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in case FIR No.611, dated 24.07.2023, under Sections 34, 379-B, 506 IPC, registered at Police Station Sector 58, District Faridabad.

2. Learned counsel for the petitioner submits that the petitioner, who has been in custody since 05.08.2023 is a victim of false implication which is evident from the fact that all the 03 material witnesses, who were allegedly waylaid by the petitioner and co-accused and thereafter, inflicted injuries had failed to identify the petitioner during trial. In support, learned counsel has placed on record the deposition of the complainant and the other 02 material witnesses. Learned counsel submits that in the circumstances, more so when all the material witnesses have been

examined and 12 witnesses still remain to be examined, further incarceration of the petitioner would serve no useful purpose as the trial would take considerable time to conclude.

3. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the custody period of the petitioner. Learned State counsel, on further instructions, has not been able to controvert that all the 03 material witnesses including the complainant stand examined and had not identified the petitioner as being the person who had participated in the crime in question. However, learned State counsel has drawn the attention of this Court to the allegations levelled in the FIR (Annexure P-1), which stands reproduced hereinunder:-

“To SHO Police Station Sai. 58 Faridabad Sir, it is a request that I am Gabbar Singh, son of Shri Ranjit Singh, resident of Gadhola Gusai police station Badanri district Sagar (M.P.) and truck no. RJ09-GB-9496 I am a Driver. Tonight at around 11 pm, I was going to Katni with groceries from Delhi. Mufid Ahmed, son of Waheed, resident of Syawari, Mauramipur district, Jhasi, Uttar Pradesh, Kriliner Suraj, son of Brijlal, resident of Gadhola police station, Badri district, Sagar (M. Q) When we reached Gam Jhadsaitali, Faridabad, at around 02.30 in the night, the vehicle suddenly stopped moving. When all three of us got down, we saw that the lock of the non-box was broken. At the same time, three nine young boys were seen on an unnumbered black Splendor motorcycle. They came, parked the car on the side and asked, can I help you? What is the matter? One said, all three had country-made knives in their hands and all three pounced on us and started hitting us with the knives. We asked, "Why are you hitting us?" and they said, "Whatever you want." If you have it, take it out otherwise you will kill me. One hit me with a pistol on the right side of my head and put a knife in my stomach, which I caught. Another one hit Mufid with a pistol on his head and Suraj with a pistol on his head and right shoulder. They attacked us upstairs and all three of them kicked and punched

us and took out seven thousand rupees from my pocket, that is my VIVO MO 9399220923,8815345027 and VIVO 1906 MO 7860798441 from Mufid's pocket and took out 5000 rupees and took out the truck key and the mobile charger. They also took away, we informed our boss, the names of the culprits are three boys, I don't know, whom we can identify if they come forward, their age will be 25 to 30 years, the culprits have snatched away our cash and phones, strictest legal action will be taken against them. We have suffered serious injuries. Applicant Gabbar Singh 9131892753,7489961107, 7011055495 24.07.2023 AZ Police Station:- Hasb Aam Aad Khaast Mudai Gabbar Singh On receipt of forced application in the above mentioned police station, commission of serious crime under section 379B, 34,506 IPC was registered. 611 Dated 24.07.2023 Section 379B,34,506 IPC PS SEC-58 FBD FIRO registered and copy of FIR prepared as per rules by CCTNS computer and special report of case Haja by Special Constable Suraj 3808 to Bajaria Postal Area Magistrate Saheb and concerned officer Bala. Is being sent to service. In the fake police application, I am going to file a complaint with the SI police officer Jhamman 933. I/O SI Lalchand 187/Phari Police Station Sector 58 Phari Mo No. 9306243589”

4. I have heard learned counsel for the parties and perused the material placed on record.
5. All the material witnesses stand examined. Hence, in the circumstances, further incarceration of the petitioner, who has been in custody for close to 02 years having been arrested on 05.08.2023 would serve no useful purpose as there can be now no apprehension of the petitioner influencing/intimidating any of the witnesses.
6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.
7. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that

anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

July 03, 2025
sanjeev

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