



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

242

CRM-M-4470-2025

Date of decision: March 4th, 2025

Kuldeep Yadav

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Maroof Khan
and Mr. Ratnesh Kumar Singh, Advocates
for the petitioner.

Mr. Yuvraj Shandilya, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.229 dated 22.06.2024 under Section 148, 149, 323, 325, 341, 307, 201, 120B of the IPC registered at Police Station Central, Faridabad.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 28.06.2024 in a case of false implication. While drawing the attention of this Court to the allegations levelled in the FIR in question annexed as Annexure P-1, it has been contended that neither was the petitioner named therein nor any suspicion raised qua his involvement in assaulting the son of the complainant; rather, the FIR in question was registered against unidentified persons, who allegedly assaulted the son of the complainant with wooden sticks etc. Learned counsel has submitted that the

petitioner came to be nominated as an accused later during the disclosure statement allegedly suffered by one of the co-accused, however, in the disclosure statement also, other than being shown to be accompanying the co-accused, the petitioner had not been attributed any role much less any injury on the person of the injured. Learned counsel has, therefore, prayed for extending the concession of bail to the petitioner since challan already stands presented and even charges stand framed, however, none of the 17 prosecution witnesses have been examined. Hence, the possibility of the trial concluding in the near future seems unlikely.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has reiterated the contents of the FIR in question (Annexure P-1), which stands reproduced hereinunder:

"It is requested that I am Rajkumar, son of Shri Sahjaram, resident of Village Karimpur, Police Station Hasanpur, District Palwal. I have four children, two sons and two daughters. My elder son, Vishal, works at DOMPROS CONSULTANTS PVT LTD in Faridabad. On 20.06.2024, Vishal left home at about 7:00 AM for work, and at about 11:00 AM, I received a call from a girl of the office informing me that Vishal had been assaulted and was admitted to BK Hospital, Faridabad. Upon receiving the information, I went to BK Faridabad and got my son treated. Upon my own inquiry, I learned that when Vishal reached his office lane in Faridabad, seven or eight unidentified boys were already waiting there with sticks. They stopped my son, assaulted him with sticks, punches and kicks and caused him to fall. As crowd gathered there, those seven or eight boys fled the scene on their motorcycles. I request you to take strict legal action against all these boys, my son Vishal is

currently unconscious due to the assault. Report be Registered.”

4. Learned State counsel, on instructions, has however, not disputed the custody period of the petitioner nor has it been disputed that the petitioner came to be nominated as an accused in a disclosure statement suffered by one of the co-accused. It has also not been disputed by the learned State counsel, on instructions, that even as per the disclosure statement, the petitioner was just a silent spectator at the time of the alleged occurrence and had not in any manner, passive or active, participated in the occurrence in question. However, learned State counsel has reiterated that the petitioner was part of the unlawful assembly, which came to the shop of the complainant and on seeing the son of the complainant, attacked him with their respective sticks.

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

6. The petitioner has been in custody since 28.06.2024. The petitioner has not been attributed any role much less any injury on the person of injured i.e. the son of the complainant. Investigation in the present case is complete and charges also stand framed. Since 17 prosecution witnesses have been cited and none have been examined till date, the trial would take considerable time to conclude.

7. In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail 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 say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

March 4th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

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