

2025:PHHC:051252



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

**CRM-M-8784-2024
Date of Decision: 22.04.2025**

Rajnish ... Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Paramjeet Phor, Advocate, for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.389 dated 22.05.2023 under Sections 341/379-B/34 of IPC, 1860 (offence under Section 25 of the Arms Act, 1959 was added later on) registered at Police Station Kundli, District Sonipat.
2. Succinctly, facts of the case are that the FIR has been lodged on the basis of the statement of the complainant Abhishek. It was alleged that on 21.05.2023 he along with his friend Jitendra Kumar was coming on the motorcycle. On the way near Nahra Mallmajra Bridge, at about 10:30 pm, three boys with muffled faces came there on motorcycle and they blocked path of the complainant. One of them was Rajneesh and before the complainant could escape, Rajneesh caught hold of him and hit him with the butt of pistol, which he was holding. His mobile phone was snatched and other two boys took away the mobile phone of his friend Jitendra Kumar. Thereafter, those boys escaped from the place of occurrence. He and his friend went to

Raja Harishchandra Hospital, Narela, Delhi for treatment. The request was made to take legal action against the culprits. On registration of the FIR, the investigation was commenced. During the investigation, petitioner was arrested on 02.06.2023. The petitioner approached the Court of learned Additional Sessions Judge, Sonapat praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 03.01.2024. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that in all there are 03 accused, however rest of the two accused, have already been granted bail by the trial Court. He submits that the petitioner is behind the bar for the last more than 01 year. It is submitted that though the petitioner is involved in other cases, but he is on bail in those cases. He further submits that the complainant has already been examined in the present case, who has not supported the case of the prosecution. He, thus, submits that in view of the facts and circumstances the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner was duly named in the FIR and he has played an active role in the commission of the offence. He submits that the petitioner is a habitual offender and he is involved in 09 more cases. He has placed on record the custody certificate of the petitioner. However, on instructions from ASI, Munish Kumar, he submits that out of total 20 prosecution witnesses, 09 witnesses have already been examined.

5. Status report dated 21.04.2025 has been filed by the State by way of affidavit of Mr. Vipin Kumar Ahlawat, HPS, Assistant Commissioner of Police, Rai, District Sonipat, which is taken on record. Copy of the same has been supplied to the counsel for the petitioner.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner has suffered incarceration of 01 year, 10 months and 20 days as on 21.04.2025. Rest of the two accused are already on bail. The material witnesses including the complainant has already been examined and the complainant even has not supported the case of the prosecution. Though, the petitioner is involved in 09 more cases, however, he is on bail in 07 cases.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

22.04.2025
Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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