



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

CRM-M-13603-2025

Date of Decision: 19.03.2025

Anil Kumar

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Paramjit Singh Jammu, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. On oral request made by learned counsel for the petitioner, the offence under Section 397 of IPC is ordered to be added in the headnote as well as prayer clause of the main petition.
2. Learned counsel for the petitioner is permitted to carry out the necessary correction in Court itself.
3. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.259 dated 15.04.2023 registered under Sections 147, 148, 323, 452, 395, 397 and 506 read with Section 149 of IPC, at Police Station City Sirsa, District Sirsa.
4. The FIR in the present case was registered on the basis of the statement made by Lalan Yadav son of Tula Yadav, by alleging that at about 10.50 p.m. on 14.04.2023, he was taking rest in Ambar Hotel and 7-8 unknown



persons came there duly armed and attacked on him. During the scuffle, the mobile phone make Vivo of the complainant carrying SIM No.95184-10789 was not found and it had fallen during the fight. He requested for taking legal action against 7-8 unknown persons and with these broad allegations, the FIR in the present case was registered.

5. Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR and has been involved only on the basis of suspicion. Even, he was arrested in the present case on 11.05.2023 and the challan has already been presented against him. He further contends that similarly placed co-accused, namely, Ajay, Vishal, Mangat Ram, Sachin, Amarjeet, Sunil and Kuldeep Singh have already been ordered to be released on bail by this Court.

6. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that 12 more criminal cases were ordered to be registered against the petitioner and he is a habitual offender. Out of 12 cases, even he has been convicted in one criminal case filed under Section 302 IPC. However, the petitioner is on bail in all these cases.

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

8. In the present case, it is not in dispute that the petitioner was arrested on 11.05.2023 and is in custody since then. Similarly placed co-accused, namely, Ajay, Vishal, Mangat Ram, Sachin, Amarjeet, Sunil and Kuldeep Singh have already been granted the concession of bail by this Court.



9. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

- (i) *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 to disclose such facts to the Court or to any other authority.*
- (ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) *In case, the petitioner involves 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 petitioner.*
- (viii) *The petitioner shall report every 1st Monday in English calander month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday to the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an appropriate application in this regard.*

(N.S.SHEKHAWAT)
JUDGE

19.03.2025
hemlata

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