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

CRM-M-15867-2025

Date of Decision:07.05.2025

KARAMBIR @ KARAM VEER @ KARMA

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

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

Present : Mr. Bipan Ghai, Senior Advocate with
Mr. D.S. Randhawa, Advocate &
Mr. Nikhil Ghai, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of BNSS, 2023 with a prayer to grant regular bail to him in case FIR No.0323 dated 08.07.2024, registered under Sections 115, 118(2), 190, 191(3) & 351(3) of BNS, 2023 and Sections 61(2), 109, 117(3), 140(1) BNS, 2023 were added later on and Section 25 of the Arms Act No.54 of 1959 & 140 of the BSA, Police Station Hodal, district Palwal.

2. The FIR in the present case was registered on the basis of the statement made by Rupesh son of Satpal and the same has been reproduced below:-

“To, Station House Officer, Police Station Hodal, District Palwal. Subject:-Application for doing legal proceedings against



1. Bhola @ Narbir, 2. Karma son of Virender 3. Neetu son of unknown, resident of Rohta Patti, Hodal 4. Gagan son of unknown 5. Krishan son of Bachu, resident of Beda Patti 6. Jagan son of unknown, 7. Jaivir son of unknown, 8. Virender son of unknown, 9. Sonu son of Ajay, resident of near Gadota Fatak, Hodal, 10. Deepak resident of Sarhala (son of paternal Aunt of Karma) and 15-20 other miscreants with the aid of illegal weapons doing kidnapping and with the intention of killing cut fingers of both the hands and wrist caused serious injuries and regarding giving threat to kill. Sir, It is submitted that the applicant Rupesh son of Satpal is resident of Hasanpur Chowk, bypass Hodal, Tehsil Hodal, District Palwal and humbly submits as under.- 1. That on 06.07.2024, I along with Bhupender son of Satpal, Rohit son of Brij Mohan, Manish son of Rajinder, residents of Bhulwana, Buland Shehar were sitting at the house of my friend Nitin in village Shahadpura of Buland Shehar then suddenly, at about 4:00 P.M. above mentioned accused Bhola @Narvir, Karma son of Birender, Neetu son of unknown, Krishan son of Bachu, Jagan son of unknown, Jaivir son of unknown, Birender son of unknown, Sonu son of unknown and Birender son of unknown along with 15-20 unknown miscreants armed with illegal weapons like Katta, Desi Katta, pistol, stick and danda, swords and axes (kulhari) came in 4-5 vehicles and forcibly entered in the house and Krishan son of Bachu, Sonu son of Ajay and 2 unknown accused upon coming started firing indiscriminately upon us and Bhola @ Narvir, Jeetu and Neetu by tying my hands and legs with the aid of weapons forcibly put me Scorpio vehicle and my companions Bhupender and Rohit were abducted and put in different vehicle by other miscreants and brought me near the drain of village Banchari at around 8:30 in the night and there they took me out from the vehicle and fell me down and Jaivir hold my left hand and Neetu hold my right hand and Bhola @ Narvir hit on my left hand with the axe (kulhari) held in his hand and due to which all four



fingers of my left hand were cut off and Karma son of Birender gave a blow with the axe held in his hand on my right hand and due to which fingers and wrist of my right hand were cut and the remaining accused beat badly with legs and fist blow, Dandas and Bhola alias Narvir threatened me saying that they have made your condition such that neither will you live nor will you die and you will die in agony and all the above mentioned accused persons abducted me from there, put me in the car and threw me near Malik Gym at Hasanpur bypass Chowk and went away. An auto driver picked me up in an injured state and left me at the gate of the police station from where the police picked me up and got me admitted to the Government Hospital at Hodal. Seeing my critical condition, the police got me admitted to Guru Nanak Hospital and from where police got me admitted to Metro Hospital Faridabad where my condition remains critical and my treatment is going on. The above mentioned accused persons in connivance with each other kidnapped me with intention to kill me, injured me seriously and left me in a dead state and fled away. The above mentioned accused Bhola is a notorious criminal against whom about 20-25 cases are already going on, who is involved in cases of illegal recovery, extortion, murder, kidnapping, ransom etc. The above mentioned accused persons have also kidnapped my two friends Rohit and Bhupender and have hidden them at some unknown place or have murdered them. 2. Therefore, I request you to take the strict legal action against the above mentioned accused persons and my life and property be protected. It would be highly grateful to you. Thanks. Dated: 08.07.2024 Sd/-Applicant LTI Rupesh son of Satpal resident of Hasanpur Chowk Bypass Hodal, Tehsil Hodal, District Palwal Mobile No. 96710-05728.”

3. Learned Senior counsel submits that the petitioner has been falsely involved in the present case on account of previous enmity as Rupesh, complainant was having some dispute with Narbir @ Bhola, nephew of the



present petitioner. Even otherwise, the petitioner was not present at the place of alleged occurrence. Learned Senior counsel has further placed reliance on the pen drive (Annexure P-2) and the photographs (Annexure P-3) to contend that at the time of occurrence, the petitioner was present at a different place and he had not abducted the injured, as alleged by the complainant. Even the tower location of a mobile phone would clearly show that he was not present at the place of alleged occurrence. Apart from that, it was wrongly shown that the petitioner had caused injuries with an axe on the right hand of the complainant, whereas, no axe was recovered from the petitioner during the course of investigation and it was only shown that the petitioner had conspired with other accused to cause injuries to the injured in the present case. Learned Senior counsel further submits that the complainant in the present case is a criminal and is facing prosecution in other cases. The petitioner is in custody for the last more than 09 months and the trial is yet to start formally against him.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious injuries have been caused to 03 injured in the present case. Even the petitioner had actively participated in the commission of crime and specific injury has been attributed to him. Thus, the petitioner does not deserve the concession of bail by this Court. He further submits that the petitioner is involved in 06 other cases and out of those cases, he has been acquitted in 04 cases. He has also filed the status report by way of an affidavit of the Deputy Superintendent of Police, Hodal, District Palwal on behalf of the respondent-State and the same is taken on record.



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

6. In the present case, the petitioner is admittedly in custody for the last more than 09 months and challan has already been presented against him. Moreover, the persecution is yet to lead evidence with regard to the involvement of the petitioner, during the course of trial. Moreover, the prosecution has not been able to place on record any material to show that the petitioner is in a position to influence the witnesses of the prosecution or may abscond from the process of justice.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his 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 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 is 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 petitioner.

(viii) The petitioner shall report every 1st Monday in English calander month before 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 before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

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

07.05.2025

vipin

(N.S. SHEKHAWAT)

JUDGE

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