



217

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

**CRM-M No.17966 of 2025
Date of decision : 23.05.2025**

Aakash @ Banti**.....Petitioner**

versus

State of Haryana**..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.474, dated 10.10.2023, under Sections 148, 149, 323, 325, 341, 506, 120-B & 307 of IPC, registered at Police Station Sadar Jind, District Jind (Annexure P-1).

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Virendra. It was alleged that on 02.10.2023, the complainant had gone to the village with his buffaloes. While he was returning, a white coloured I-20 Car came and stopped near him. Pawan son of Daljit alighted carrying an iron rod in his hand along with 3-4 persons. Thereafter Pawan attacked on the complainant with iron rod. Pawan gave a blow of iron rod on his hand and on his right leg, then he gave blows of iron rod on his right arm and hence,



the complainant fell down. The other boys accompanying him also gave blows of wooden dandas on his legs, hands and other parts of the body. The assailants thereafter ran away from the place of occurrence by threatening the complainant. The request was made to take the legal action against the culprits. On registration of the FIR, the investigation commenced. The petitioner was arrested on 10.01.2025. The petitioner approached the Court of learned Additional Sessions Judge, Jind praying for the grant of bail. However, after hearing both the sides finding no merit in the same, the learned Additional Sessions Judge, Jind declined the petition filed by the petitioner vide order dated 06.02.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that neither the petitioner is named in the FIR nor any overt act has been attributed to him. He has submitted that the petitioner has been arrayed as an accused in the present case on the basis of disclosure statement made by co-accused, however the disclosure statement in itself is not an admissible evidence. He has submitted that the allegations as evident from the perusal of the FIR are against Pawan, who has already absconded. He has submitted that co-accused, namely, Amit and Krishan have already been granted anticipatory bail by this Court vide order dated 13.11.2024. He has thus submitted that the case of petitioner is at par with that of co-accused, Amit and Krishan. He has submitted that the investigation is complete and the challan has been presented. He has



submitted that the petitioner is behind bars since the date of his arrest, i.e. 10.01.2025. He has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned counsel for the State however has opposed the submissions made by counsel for the petitioner. He, on instructions, has submitted that Pawan accompanying with 3-4 boys and the identity of the petitioner and co-accused was surfaced during the investigation. However he has submitted that co-accused, namely, Amit and Krishan have already been granted bail by this Court vide order dated 13.11.2024. He has submitted that the investigation is complete and the challan is presented but the charges are yet to be framed. He has placed on record custody certificate of the petitioner dated 22.05.2025 today in the Court and the same is taken on record. He has submitted that the petitioner is a habitual offender, who is involved in 07 more cases.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is deciphered the occurrence in the present case had taken place on 02.10.2023, however the FIR was registered on 10.10.2023. The petitioner was arrayed as an accused in the present case on the basis of disclosure statement of co-accused and he was arrested on 10.01.2025. Co-accused, Amit and Krishan have already been granted bail by this Court vide order dated 13.11.2024. Custody certificate produced by learned State counsel would show that the petitioner is involved in 07 other cases, however he is on bail in all the cases. It further reflects that the petitioner has suffered incarceration of 04 months and 10 days as on

22.05.2025.

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.

8. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

23.05.2025

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Whether speaking/reasoned
Whether reportable

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:

Yes/No
Yes/No

(RAJESH BHARDWAJ)
JUDGE