



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

CRM-M-25999-2024

Date of Decision:13.02.2025

Aman Sharma

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Amit Kohar, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, DAG, Haryana with
Mr. Narender Kumar Panwar, A.A.G, Haryana.

Mr. Divij Datt, Advocate with
Mr.Kunal Utreja, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the second petition under Section 439 Cr.PC with a prayer to grant regular bail to him in case FIR No. 04, dated 02.01.2022, registered under Sections 201,302,34 of IPC, Police Station Sector-10, District Gurugram (Annexure P-1).

2. Learned counsel for the petitioner contends that the FIR in the present case was registered against unknown persons. During the course of investigation, the police had arrested three persons namely Kunal Dhama, Aftab @ Raja and Anwal Khan @ Sahil, who were found involved in the crime. Learned counsel further contends that the petitioner has been arrested in the present case without any incriminating evidence against him and the prosecution could not connect the petitioner with the three other co-accused,

who have been arrested by the police. He further contends that even he was arrested wrongly on 14.07.2022 only on the basis of the disclosure statement made by co-accused and no overt act has been attributed to the present petitioner. He further contends that the case of the petitioner is clearly distinguishable from the case of three accused namely Kunal Dhama, Aftab @ Raja and Anwal Khan @ Sahil. The petitioner was arrested in the present case on 14.07.2022 and is in custody for the last more than two years and seven months. The prosecution has already examined nine witnesses out of total 35 witnesses. Even Pawan Kumar Kharvar, brother of the deceased and Aman Kumar son of the deceased have already been examined by the prosecution in the instant case. Thus, there is no material to indicate that the petitioner is in a position to influence the witnesses of the prosecution or may hamper the trial in any manner.

3. A reply by way of an affidavit of Assistant Commissioner of Police, West Gurugram has been filed on behalf of respondent-State and the same is taken on record.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is an expert in withdrawing the money by using the various apps on the phone. Even, after the injuries were caused by three accused, he was called by them at the spot and they tried to obtain money by using the phone of the injured, however, they were not successful in taking the money by the use of mobile phone.

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

6. In the present case, the petitioner was arrested in the present case on 14.07.2022 and is stated to be in custody since then. Even two material witnesses have already been examined by the prosecution. Still further, the prosecution is yet to prove before the Trial Court that the petitioner had also caused injuries to the deceased along with three co-accused namely Kunal Dhama, Aftab @ Raja and Anwal Khan @ Sahil. Still further, his case is clearly distinguishable from the case of remaining three co-accused.

7. At this stage, 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.*

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.

13.02.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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