247

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-27903-2025
Date of Decision: 26.05.2025

IRSHAD

…PETITIONER

VS.

STATE OF HARYANA

…RESPONDENT

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

Present : Mr. Sahil Choudhay, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

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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.135 dated 25.05.2023, registered under Sections 120-B, 148, 302, 323, 324, 452, 506 IPC read with Section 149 IPC, Police Station Sadhaura, District Yamunanagar

2. Mr. L.M. Gulati, Advocate has put in appearance on behalf of complainant by filing his power of attorney, which is taken on record.

3. Learned counsel for the petitioner contends that the petitioner has been wrongly named in the FIR and it has been falsely alleged that the petitioner has caused injuries with a stick on the person of the deceased, when he had fallen down. He further submits that all the injuries were caused with a knife by Vicky @ Sanowar and even Manovar had died because of the injuries caused by him only. Learned counsel has further placed reliance on the order

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dated 02.05.2025 passed by this Court (Annexure P-6), whereby concession of bail have been granted to Rahish Mohammad, Samshad @ Bila and Tahir and claims that he is at par with them.

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 serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court. However, learned State counsel could not dispute the fact that the statement of the complainant has been recorded in the present case and now the case is listed for consideration on application under Section 319 Cr.P.C.

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

6. In the present case, the petitioner is stated to be in custody for the last more than 01 year and 11 months. Even it has been alleged that the petitioner had caused injured with a stick to the deceased. However, the statements of the witnesses are yet to be recorded and the prosecution is yet to prove the involvement of the petitioner in the crime. Moreover, similarly placed co-accused Rahish Mohammad, Samshad @ Bila and Tahir have already been granted the concession of bail by this Court. Thus, the further custody of the petitioner will not serve any useful purpose.

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:-

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(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.

26.05.2025 **(N.S. SHEKHAWAT)**
vipin **JUDGE**

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

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