

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204CRM-M-31578-2024 (O&M)
Date of decision: 16.01.2025

Tejpal...Petitioner

Versus

State of Haryana...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Sudhir Rana, Advocate with
Mr. Jitesh Bhardwaj, Advocate for the petitioner.

Mr. Satish Singla, AAG, Haryana.

FIR No.	Dated	Section/s	Police Station
198	22.06.2023	147, 148, 149, 307, 506, 420, 120-B IPC, 25 of Arms Act and 192 of Motor Vehicles Act (420 IPC and 192 of MV Act added later on)	Kasola, District Rewari

VIKAS SURI, J.

1. Second petition has been filed seeking grant of regular bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to the petitioner in the above captioned case.
2. The first bail application was dismissed as withdrawn on 06.11.2023 with liberty to apply for regular bail before the Court of Sessions and on having moved the said Court, the same was dismissed



vide order dated 14.02.2024 (Annexure P-4).

3. As per contents of FIR, it has been alleged as under:-

To, the S.H.O. Police Station Kasaula, Sir,

It is requested that I Kamal Singh son of Sh. Satbir, am resident of the of village Patuhera, Police Station Kasaula Tehsil Bawal, District Rewari and I am doing the work of transport in the companies. I have 15 Pickup and canter vehicles and use to send the material of companies of IMT Bawal area in the said vehicles and ten days ago, some alteration was occurred between me and Satish Pehlwan son of Sh. Marhu Ram resident of village Patuhera regarding depute the vehicles in SGS Company Sector the 14, TMT Bawal. Satish Pehalwan want to depute the vehicles of his group in the SGS Company. Our tender is going on with SGS Company from last 1-1 years but no vehicle of the group of Satish Pehlwan is being deputed in this company, therefore Satish Pehalwan having grudge against and me was also daily harassing the drivers and conductors vehicles. Four days ago, Tinku @ Chhatarpal Chairman resident of village Patuhera has told me and my brother Ram Singh by threatening to kill us that you withdraw the tender from SGS company otherwise you will face dire consequences. Due to said grudge, Satish Pehlwan and Tinku @ Chhatarpal chairman son of Dharambir resident of village Patuhera and their associates Hans Raj son of sh. Hargian, Rajesh @ Golu son of Hetram, Sandeep @ Anta son of Mahender, Monu son of Parkesh and Surender Pehlwan son of Ranjit residents of village resident of village Patuhera Chairman and Tejpal resident of Asalwas had made a scheme to kill me and



they were threatening to kill me. Today on 22.06.2023 at about 6.15 PM, I was taking tea at the Tea-stall of Sadan Sharma at Pasko Chowk IMT Bawal then firstly Hansraj son of Sh. Hargian came at the Tea-stall on a motorcycle and on looking me there, he went back and after some time at about 6.25 PM, Rajesh Golu, Sandeep @Anta, Sonu son of Harkesh, Surender Pehlwan, Tejwal and 2-3 unknown persons 120 colour white came in one car and one Accent car (Hyundai) colour white, they came out from their cars and came to the Tea-stall, Rajesh @ Golu got annoyed and he kept the gunpoint on my chest and said that you are making interruption in the work of Satish Pehlwan and Tinku Chairman, today I will kill you, then he tried to made fire but could not fire with gun, thereafter he I tried to ran away from there, then Rajesh @ Golu has made fire on me with the aim to kill me and the bullet has touched the back side of my left side shoulder, then I again ran to save me, Sandeep has made one fire which has gone near to me and thereafter I ran away towards the village, then my family members have brought me at Pushpanjali Hospital for treatment, where I am under treatment. Legal action be taken against the above said persons and life and liberty of me and my family be protected.”

4. Learned counsel for the petitioner submits that petitioner was arrested on 26.06.2023 and has been behind bars for more than 1½ years. The investigation is completed; charge stands framed and the petitioner is facing trial. Out of 20 prosecution witnesses cited, none has been examined so far. Complainant Kamal Singh was partially examined



as PW-1 and his remaining deposition has been deferred on an application having been moved under Section 319 Cr.P.C. (Section 358 of BNSS) for summoning Hansraj son of Hargyan, which is pending for 22.01.2025. Neither any recovery has been effected from the petitioner nor the gunshot injury has been attributed to him. It is further submitted that though the petitioner has been attributed motive and has been implicated with the aid of Sections 120-B and 148/149 IPC, but his implication would be a matter of trial. Challan was presented on 20.09.2023, charges were framed on 02.12.2023 and complainant was partly examined on 23.10.2024. The trial would take its own time to conclude and no useful purpose would be served by keeping the petitioner incarcerated for an indefinite period. The petitioner is not involved in any other case.

5. *Per contra*, learned State counsel has opposed the petition while referring to status report dated 19.12.2024 and has placed on record custody certificate of the petitioner showing actual sentence undergone of 01 year 06 months and 18 days. As per custody certificate, the petitioner is not involved in any other case.

6. Mr. Prashant Singh Chauhan, Advocate with Mr. Amrit Singh, Advocate puts in appearance on behalf of the complainant and has filed his power of attorney in the Court, which is taken on record. Learned counsel for the complainant would contend that no benefit of the case of co-accused Satish, who was granted regular bail vide order



dated 27.05.2024 (Annexure P-2), can be availed by the petitioner as he stands on a different footing and at that stage, the complainant was not coming forward to get himself examined.

7. I have heard learned counsel for the parties and gone through the paper book.

8. Keeping in view the aforesaid, without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing bail-bond and surety/sureties to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. It is made clear that the petitioner shall not influence the trial or prosecution witnesses in any manner directly or indirectly. The petitioner would regularly appear before the trial Court and will not seek unnecessary adjournments, lest the same would be construed as misuse of concession of bail.

10. Any observations or submissions noted above shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available on record.

January 16, 2025

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(VIKAS SURJ)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes / No
Yes / No