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

**CRM-2231-2025 in/and
CRM-M-36633-2024
Date of decision : 21.01.2025**

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

Present :- Mr. Parveen Kumar, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana

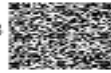
RAJESH BHARDWAJ, J. (Oral)**CRM-2231-2025**

Allowed as prayed for.

CRM-M-36633-2024

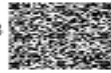
1. Present petition has been filed by the petitioner under Section 439 Cr.P.C. praying for grant of regular bail in case FIR No.569 dated 13.12.2023, under Sections 279, 336, 323, 324, 506 and 34 of IPC, registered at Police Station Tarori, District Karnal, but the challan was submitted under Sections 279, 336, 323, 324, 307, 506 and 34 of IPC.

2. Succinctly the facts of the case are that the present case was registered on the statement of Kamal. It was alleged that in the evening of 13.12.2023 at about 8:00 PM, he had gone to a shop to bring money. On the way, one motorcycle on which two boys were coming with high speed collided with his motorcycle due to which he fell down. Those two boys were also injured in the accident. Meanwhile, crowd gathered and both the assailants threatened to kill him. One of the assailant fled from the spot



whereas the other one was caught hold by the Public, however, thereafter he was freed by them. On asking, he disclosed his name as Gaurav (present petitioner). He was shifted to the hospital and it was alleged that Gaurav had inflicted knife injury in his abdomen, whereas the co-accused gave him slap blows. Request was made to take legal action against both the culprits. On registration of FIR, the investigation commenced and the injured were medico legally examined. As per record, the petitioner was arrested on 18.12.2023. The petitioner approached the Learned Additional Sessions Judge, Karnal praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Karnal vide order dated 06.05.2024. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that from the reading of the allegations made against the petitioner, it was a case of accident wherein as per the FIR itself the petitioner was caught by the public itself. He submits that the arrest of the petitioner, however, has been shown to be 18.12.2023. It is submitted that the knife injury attributed to the petitioner is totally a planted one as the same, in the facts and circumstances of the case, is not even probable. He submits that the weapon of offence i.e. knife had been shown to have been recovered on 19.12.2023. He submits that the occurrence had taken place on 13.12.2023 and the petitioner was caught by the public itself. In such circumstances, the arrest of the petitioner and the recovery of weapon shown on 18/19.12.2023, totally belies the case of the prosecution. It is submitted that the petitioner has no criminal antecedents. He submits that the



complainant/injured has already been examined by the trial Court. He submits that the co-accused, namely, Prince has already been granted bail by this Court vide order dated 26.11.2024 passed in CRM-M-39840-2024. He thus, submits that the trial will take long time and in the facts and circumstances of the case the petitioner deserves to be granted bail.

4. Learned State counsel, on instructions from SI Parveen, has opposed the submissions made by the counsel for the petitioner and submits that the presence of the petitioner and the recovery effected from him, duly proves the complicity of the petitioner. He submits that though the petitioner has been apprehended by the public itself, however, thereafter they freed him. He submits that the complainant has been examined, who has supported the case of the prosecution. He submits that out of 27 prosecution witnesses, only one witness i.e. the complainant has been examined. He has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered from the facts of the case that the petitioner is behind bars since 18.12.2023 and the occurrence had taken place on 13.12.2023. As submitted by learned State counsel, the petitioner has been apprehended by the public itself, however, thereafter they freed him. The recovery of the weapon has been shown to be effected on 19.12.2023. The complainant has already been examined by the trial Court. The custody certificate filed would show that the petitioner has no criminal antecedents as he has never been involved in any other case except the present one. The co-accused of the petitioner, namely, Prince has already been granted bail by this Court vide order dated 26.11.2024 passed in CRM-M-39840-2024.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. 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.

21.01.2025
ps-I

(RAJESH BHARDWAJ)
JUDGE

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