

271

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-41768-2024 (O&M)
Date of Decision:- 15.01.2025

RAJENDER KUMAR ALIAS RAJINDER ALIAS KALA

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Raj Kumar Chauhan, Advocate for the petitioner.

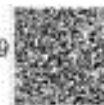
Mr. Surender Singh, A.A.G. Haryana.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
289	02.07.2024	287, 351(2), 61(2), 238(c), 111(3) BNS and 25 of the Arms Act	Nissing, Karnal, Haryana

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has no concern with the allegations levelled in the FIR nor was he present at the time of occurrence and false allegations have been levelled against him of harboring the co-accused Dilkhush. He submits that the petitioner is in judicial custody since



11.07.2024 and no recovery of any incriminating article has been effected from him nor is there any substantive evidence connecting him with the commission of alleged offence. Thus, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report submitted by State has opposed the petition on the ground that there are specific allegations against the petitioner of harboring the main accused Dilkush by getting a room booked for him in the Dharamshala and in this manner he has actively participated in the crime. It is submitted that consequent upon the arrest of the petitioner, one mobile phone and Rs.2500/- currency notes were recovered from him.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that the instant case was registered on the complaint moved by Rajesh Kumar alleging that on 01.07.2024, while he was working in his shop, then three unknown persons with muffled faces came on a motorcycle and fired upon him with intent to kill him, but he was saved as he was sitting inside the shop. Admittedly, the role of the petitioner or his name does not find mention in the FIR but has cropped up during investigation on the allegation that he had harboured the co-accused Dilkush by providing him shelter in Dharamshala.

6. A perusal of the alleged disclosure statement of the petitioner (Annexure R-1) would reveal that he had claimed that the said Dilkush is his friend and often visited him in the Dharamshala, where he was working.



There is nothing on record that the petitioner knew about the antecedents of said co-accused Dilkush or that he is being involved in some heinous crime. As per the custody certificate, the petitioner has one more case registered against him, however, he is on bail therein. Petitioner is in custody since 11.07.2024 and after the completion of investigation, challan has already been presented in Court and the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

15.01.2025
S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |