



216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47062-2024(O&M)
Date of Decision: 09.01.2025

Parveen Kumar ...Petitioner
vs.
State of Haryana ...Respondent

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

Present : Mr. D.S.Matya, Advocate
for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

CRM-46806-2024

1. Application is allowed as prayed for subject to just exceptions.

CRM-M047062-2024

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.147 dated 16.05.2024 registered under Sections 323, 325, 392, 394, 397, 427, 506 and 34 of IPC, at Police Station Manesar, District Gurugram.

2. Learned counsel for the petitioner contends that the FIR in the present case was registered on the basis of the statement made by complainant, namely, Gaurav (Boxer) and the case was registered against a person, namely, Sethi and some other unknown persons. Neither the petitioner was named in the FIR nor any such physical description of a person was mentioned, which



would connect the petitioner with the commission of crime in any manner. Learned counsel further contends that during the course of investigation, the police had wrongly added the offences under Sections 392, 394, 397 and 427 of IPC and the ingredients of the said offences are completely missing in the present case. He further contends that the petitioner has been simply named as unfortunately he happens to be brother of main accused, namely, Naveen @ Sethi. Learned counsel further contends that in fact, the complainant has concealed the real occurrence, while getting the FIR registered. In reality, on the night intervening 15.05.2024 and 16.05.2024, two young unknown boys came to the house of the petitioner and started man-handling him and asked about the whereabouts of his brother Naveen @ Sethi. The petitioner made a phone call at phone No.112 for police help and informed the police to reach at the spot. However, the complainant managed to get a false FIR registered against him by exercising his influence. Learned counsel further contends that the petitioner was arrested in the present case on 17.05.2024 and the investigation has already been concluded. He further contends that the petitioner is the first offender and was never involved in any other criminal activity.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner. However, he admits that the investigation in the present case has already been completed and only one witness out of total 14 witnesses have been examined so far.



4. I have heard the learned counsel for the parties and perused the record.
5. In the present case, the petitioner was arrested on 17.05.2024 and is in custody for the last more than 07 months. The police has already been presented the challan against the petitioner and only one witness has been examined by the prosecution so far. Thus, there are no chances of early conclusion of the trial against the petitioner.
6. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

09.01.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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