

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47911-2024
Reserved on: 15.02.2025
Pronounced on: 28.02.2025

Ajay ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gurdarshan S. Sidhu, Advocate
for the petitioner.

Mr. Aashish Bishnoi, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
415	10.06.2024	City Sirsa, District Sirsa	323, 324, 34 IPC (Section 326 IPC added later on)

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Per paragraph 14 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	600/2023	-	323, 324, 34 IPC	City Sirsa
2.	09/2024	-	147, 149, 323 IPC	City Sirsa
3.	126/2024	-	147, 148, 323, 341, 506 IPC	City Sirsa

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“3. That briefly stated facts of the case are that in the present case FIR was registered on the basis of statement of complainant Chhinder Pal @ Chhindi son of Gurnam, resident of Jan Kalyan Colony, Near Hanuman Mandir, Street No.1, Sirsa, age 26 years. It is stated by the complainant that he is permanent resident of aforesaid address and do labour work. Yesterday on 09.06.2024 after coming back from work and after taking bath I was going to the shop of Jugnu for taking Lassi and at about 8:30 PM when I reached near the shop of Jugnu there 3-4 boys were standing and out of those

I know two boys namely Avtar @ Pathi son of Soudagar and boy namely Jaswinder @ Jassu son of Hunny, residents of Guru Teg Bahadar Nagar, JJ colony Sirsa and both were having datar (kappas) in their hands, who were having enmity with me due to some old grudge, Avtar @ Pathi attacked on me with datar and I raised my both hands to save myself then Avtar @ Pathi gave datar blow on my right hand and Jaswinder @ Jassi gave datar blow on my left hand and when I raised alarm of saving then nearby people came there on hearing my noise to save me. On seeing people gathering all accused fled from the spot with their weapons and I fell on the ground due to injuries, some passerby taken me on motor cycle to general Hospital and got me admitted for treatment. After giving me first aid doctor referred me to Agroha Medical and currently I am under treatment, these boys caused injuries to me without any reason, legal action be taken against them as per law.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the status report. State counsel submits that during investigation, opinion of doctor was obtained as per which injury no.1 on the person of complainant was found to be grievous in nature, as such Section 326 IPC was added subsequently.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

“7. That it is relevant to mention here that the name of petitioner/accused though not mentioned specifically in FIR, but the same was reflected in the disclosure statement of the accused Avtar Singh @ Kalu who is by name in FIR and petitioner/accused is among the 2 unknown accused persons who inflicted injuries to the complainant alongwith other co-accused.”

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.

8. Per paragraph 5 of the bail petition, the petitioner has been in custody since 22.07.2024. Per the custody certificate dated 08.01.2025, the petitioner's total custody in this FIR is 05 months and 17 days.

9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

10. The investigation indicates that the petitioner is not the main accused, so the

petitioner's bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

11. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

12. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

13. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

14. This order is subject to the petitioner's complying with the following terms.

15. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

16. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

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19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

28.02.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.