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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-48219-2024 (O&M)
Date of Decision:- 13.02.2025

DINESH

Versus

....Petitioner(s)

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Aditya Sanghi, Advocate for the petitioner.
Mr. Ashwani Kumar Saini, DAG Haryana.

SANJIV BERRY, J. (ORAL)

CRM-39029-2024

For the reasons stated in the application, same is allowed.
Exemption is granted.

CRM-M-48219-2024

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

FIR No.	Dated	Sections	Police Station
389	09.09.2023	147, 148, 149, 323, 341, 506, 307 and 325 IPC	Ellenabad, District Sirsa

2. It is, *inter alia*, contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in this case. He contends that no specific overt act is attributed to the petitioner in the occurrence. He further contends that as per the version of the prosecution, the petitioner was allegedly armed with *kappa* and as per the reply filed by the State, the recovery of weapon effected from the petitioner is of *datar*. He submits that the petitioner is in custody since 26.10.2023 and the conclusion of trial will take sufficient long time. Thus prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the reply filed by the State has assailed these arguments and submitted that the petitioner had actively participated in the crime along with other co-accused and caused multiple injuries to the complainant, as such, he is not entitled to concession of bail.

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 statement of Leela Dhar Soni @ Leelu Soni to the effect that on 05.09.2023 at about 07:30 PM, he had gone to bring Ramandeep Kaur from Ward No.3 Ellenabad, when he reached near the house, 12-13 persons on 4 motorcycles stopped him namely Punjab Virk, Swaran Singh Sekhon, Amar Sokhal, Karan Sokhal, Tej Virk, Atma Ram, Monu Pandit and Dinesh Dhudada and 4-5 other unknown persons armed with datars and caught hold of him. Punjab Virk gave datar blow on his head and when he tried to save himself the blow hit his wrist.

The complainant fell on ground and covered his head with both hands then



on lalkara being raised by Karan Sokhal, the assailants gave datar blows with intent to kill him, resulting in injury on his head, hands and legs. On the alarm being raised by the complainant, his friend Roop Singh came to the spot and the assailants ran away. The complainant was shifted to General Hospital, Sirsa and thereafter was taken to Deep Hospital Ludhiana. On the basis thereof, the FIR was registered.

6. Admittedly, the petitioner was arrested on 26.10.2023 and after the completion of investigation, challan has been presented in Court wherein out of 16 witnesses cited by the prosecution, none has been examined till date. It is also evident from the perusal of the reply that there is discrepancy in the weapon recovered from the petitioner and allegedly used in the occurrence. Furthermore, neither any specific overt act nor any specific injury is attributed to the petitioner. 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.

9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

13.02.2025
S.Sharma(syr)

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