



CRM-M-51834-2024

-1-

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

CRM-M-51834-2024

Reserved on: 21st February, 2025Pronounced on: 25th February, 2025

Rahul

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Balraj Gujjar, Advocate for the petitioner.

Mr. Apoorv Garg, Sr. DAG, Haryana.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 228 dated 28.04.2022 registered under Sections 148, 149, 186, 332, 353, 324, 224, 225, 342, 506 and 379-B of IPC and Section 3(2) of PDPP Act, at Police Station Sadar Nuh, District Nuh.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR has been registered on the allegations that on 27.04.2022, some officials of CIA Staff, Narnaul, along with police officials of Police Station Sadar Nuh, were present in the area of Police Station Sadar Nuh in connection with investigation of a case bearing FIR No. 246 dated 25.04.2022 registered at Police Station City Narnaul,



under Sections 380 and 457 of IPC. A secret information was received that the petitioner, who was one of the nominated accused in the aforementioned FIR, was present at the house of one Saddiq in village Palla and could be apprehended, if raid was conducted. Inspector Umar Mohd. made a DDR entry at Police Post Nalhar and proceeded towards the house of above named Saddiq along with other police officials of his police post as well as of CIA Staff, Narnaul. The petitioner was apprehended by them. While he was being questioned, 30-40 persons encircled them and opened an assault upon the members of the police team with *lathis*, *dandas* etc. and got the petitioner released and then escaped from the custody of the police officials. The assailants even snatched the ammunition of the police officials and damaged their official vehicle. Inspector Umar Mohd. along with two more police officials was even held as a captive. On receipt of information, a team of other police officials reached at the spot and then assailants fled away along with the present petitioner. After registration of FIR, investigation proceedings were initiated. The petitioner who was arrested and confined in case bearing FIR No. 246 at Police Station City Narnaul was joined into investigation of this case after securing his presence through production warrants. He suffered disclosure statement admitting his complicity in the subject offences and was formally arrested in this case. Investigation has since been concluded and the petitioner along with the co-accused is facing trial for commission of the aforementioned offences.

3. It was argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 27.05.2022. Trial is likely to take time. Most of the co-accused have been extended benefit of



bail. On parity, he too deserves to be released on bail. His further detention would not serve any useful purpose. Two of the persons nominated as accused i.e. Niyaz Mohd. and Imtiyaz had been found to be innocent thereby belied the case of the prosecution. He has been acquitted in most of the cases registered against him and is on bail in remaining cases. He can not be refused to be released on bail only because of the pendency of other criminal cases. Accordingly, it was urged that the petitioner deserves to be extended benefit of bail and the petition deserves to be allowed.

4. Status report as well as custody certificate had already been filed by respondent-State. It was argued by learned Senior Deputy Advocate General, Haryana that there are serious allegations against the petitioner who by forming membership of an unlawful assembly with the co-accused, had opened an attack upon the police officials and had not only caused obstruction in performance of their public/lawful duty but also caused injuries to some of them. The injured had sustained simple as well as grievous injuries. The petitioner had also managed his escape. He is a habitual offender and as many as thirty-nine cases, had been registered against him. He was even declared a proclaimed offender in some other cases. He had snatched magazine of AK47 rifle from one police official. The same has been recovered at his instance. Trial is going at a proper pace and there is nothing on record to show that there would be any undue delay in conclusion of the same. Therefore, it was urged that the petition does not deserve to be allowed.

5. I had heard learned counsel for the parties at considerable length and have gone through the record carefully.



6. The petitioner by forming unlawful assembly with the co-accused is alleged to have escaped from the police custody when he apprehended by the police officials of Narnaul Police as well as Police Station Sadar, Nuh. He along with the co-accused had opened an attack upon the members of the police party and had given fist blows and kicks to them and snatched the ammunition carried by one of them. However, he is in custody since 27.05.2022. Custody certificate had been placed on record and a perusal of the same, reveals that he is either on bail or has been acquitted in most of the cases as registered against him. It is well settled proposition of law that allegations of grave and serious offences and pendency of several criminal cases against an accused, cannot be made basis to refuse prayer for grant of bail. Reliance in this regard be placed upon the observations made by Hon'ble Supreme Court in '***Prabhakar Tiwari Vs. Uttar Pradesh and another, 2020(1) RCR (Criminal) 831***'. Keeping in view the allegations as levelled against the petitioner, the period of his incarceration, the fact that trial will take time and in view of the facts as enumerated above but without meaning to make any comment on the merits of the case, I am inclined to hold that the petitioner deserves to be released on bail.

7. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned. He shall appear before the concerned Police Station once on the first Monday of every month. He shall disclose his present as well as permanent address before the learned trial Court at the time of furnishing of bonds and shall also give copy

**CRM-M-51834-2024****-5-**

of his Aadhar Card, PAN Card, if any and details of his mobile phone number(s) to the learned trial Court and in case, any change in his address or mobile phone number(s) takes place, he shall inform about the same to the learned trial Court in advance.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

25th February, 2025

Parveen Sharma

- 1. Whether speaking/ reasoned*
- 2. Whether reportable*

: *Yes / No*
: *Yes / No*