



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

CRM-M-51911-2024(O&M)

Date of Decision: 28.04.2025

Suraj

...Petitioner

Vs.

State of Haryana

...Respondent

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

Present : Mr. Ravi Dutt Sharma, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Himanshu Chauhan, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of B.N.S.S with a prayer to grant regular bail to him in case FIR No. 18, dated 02.02.2024, registered under Sections 147,149,323,341,506 of IPC, offence under Section 307 of IPC added later on, Police Station Bhiwani Civil, District Bhiwani (Annexure P-1).

2. The FIR in the present case was registered on the basis of the statement moved by Shyam son of Raj Kumar and the same has been reproduced below:-

“Statement of Shyam S/o Rajkumar R/o Palwas, aged about 19 years, Mobile No. 9991286713 I have stated that I am a resident of the above mentioned address and study in 10+2. Today on 2-2-24 at about 9:30 am in the morning, I and Vishal S/o Darshan, Sohith S/o Jaibeer resident Palwas were coming from Palwas to Bhiwani court on my motorcycle number HR-16M-4864

Hero SPLENDOR for hearing. I was driving the motorcycle and Vishal was sitting behind me and Sohita was sitting behind Vishal. When we reached the main road in front of Lathiya wala Johad Baba Jeet Nath temple, they were standing behind the wall and suddenly came on the road and attacked. I saw that Manish S/O Mala was holding an axe in his hand, Amru S/O Seema was holding a stick in his hand, Prince S/O Mukesh was holding an axe in his hand, Suraj S/O Raja and Manish S/O Bajrang was also holding an axe in his two hands. He attacked me, Vishal and Sohita. He attacked my head, left arm, elbow, left leg, left shoulder and neck. Manish, Amru, Prince, Suraj, Manish and 10 other names but unknown, all of whom were from our village Palwas, all of them together attacked us. Vishal and Sohita threatened to kill us, if we are to be seen in future will see. Then on seeing all the people coming and going they ran away from the spot with their respective weapons. Then my brother Dharambir S/o Rajkumar who was following us came to the spot and saw us lying on the ground, he arranged for the means and got us admitted to GH Miani hospital, whereas Vishal and Sohita who were seriously injured, the doctor gave them first aid and referred them to Rohtak PGI and I am getting treatment at Government Hospital, Bhiwani. Reason behind the occurrence is that the case of quarrel has been pending between us. Statement has been heard and understood it. Sd/ Shyam, attested Umeed”.

3. Learned counsel for the petitioner contends that as per the allegations levelled by the complainant, the petitioner was allegedly armed with a *Farsa* and had caused injuries to the complainant and his companion. He further contends that it has been falsely alleged that the petitioner had caused an injury to Vishal, which has been declared to be dangerous to life. In fact, the petitioner was arrested in the present case on 19.02.2024 and is in custody for the last one year and two months. Learned counsel further contends that the two

injured namely Shyam and Vishal, to whom he allegedly caused injuries, had already been examined by the prosecution. He further contends that the now the case is listed for 14.05.2025 for filing the reply to the application under Section 319 Cr.P.C., which has been filed by the prosecution in the present case and the conclusion of the trial may take quite a long time. Learned counsel for the petitioner has voluntarily submitted that till the examination of all the prosecution witnesses, the petitioner shall not enter into Village Paluwas, Tehsil and District Bhiwani, Haryana.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is the main accused and is involved in five more criminal cases. However, there is no denial that the petitioner is on bail in most of the cases.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. The petitioner had allegedly caused an injury to Vishal, injured, however, Vishal has already been examined by the trial Court. Moreover, all the injured in the present case have already been discharged from the hospital. The case is now listed for disposal of the application under Section 319 Cr.P.C and in the event of said application being allowed by the Court, the trial may start de novo. Even otherwise, the prosecution has only been able to examine only 02 witnesses out of total 24 witnesses. Thus, there are no chances of early conclusion of the trial.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his

furnishing bail bonds and surety to the satisfaction of the concerned trial Court/
Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*
- (viii) The petitioner shall file an affidavit before the Trial Court that he shall not enter into the area of Village Paluwas, Tehsil and District Bhiwani, till the conclusion of the prosecution evidence before the Trial Court.*

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him

shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

9. Pending application(s), if any, stand(s), disposed of, accordingly.

28.04.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

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