

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53705-2024
Reserved on: 13.01.2025
Pronounced on: 24.01.2025

Anil ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sandeep Yadav, Advocate
for the petitioner.

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

Mr. Sahil Garg, Advocate with
Mr. Hemant Hans, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
301	28.08.2024	Urban Estate, Rohtak, District Rohtak, Haryana	125-A, 281 of BNS (Section 109, 3(5) of BNS 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. In paragraph 21 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:-

“2. That the facts of the case are that the instant case was registered on the complaint of Yogesh son of Hawa Singh, resident of village Rurkee, District Rohtak. It is alleged in the complaint that in the intervening night of 26.08.2024 at about 12.00 A.M. he alongwith his friend Dharambir had gone to Suncity, Rohtak for some urgent work where Anil (the present petitioner) alongwith his two friends met them and on seeing they were doing some indecent signals at however after completing their work, he started going towards village Bohar in his car bearing registration No. HR-26-CS-7700 and his friend Dharambir on his motor-cycle bearing registration

No. HR-12-AN-4005, then the accused persons chased both of them. When they reached near Water Works on Suncity Road, then accused hit the motor-cycle of his friend Dharambir with his car and he was dragged on the road for a distance of about 30 feet, due to which, Dharambir fell down and accused Anil fled away from the spot due to which Dharambir sustained many injuries on his Head, back, hands, foot and other parts of the body and the motor-cycle also damaged. He alongwith the help of other person shifted Dharambir in PGIMS Rohtak for treatment. On the way to PGIMS Rohtak, he informed the police by calling at No.112 regarding the incident. On the basis of this complaint, a case vide FIR no.301 dated 28/8/2024 U/s 125-A, 281 10.8.N.S. 2023 was registered at Police Station Urban Estate, Rohtak.”

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 reply.

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

“10. That in reply to the contents of para no.10 of the petition it is submitted that during verification of case the respectable persons were joined and involvement of Surjeet S/o Rajbir @ Khadre and Sumit S/o Rajbir both residents of Village-Bohar, Distt.-Rohtak was not found in the incident. During verification it has been revealed that the petitioner was having old enmity with the complainant and due to this reason he tried to kill the complainant by hitting him with the baleno vehicle No.HR- 12AS-1168.”

7. Counsel for the petitioner submits that he is in custody from 20.09.2024. He is neither owner nor the driver of the offending vehicle. There is a delay of one day and he has referred to para no.8 of the bail petition which reads as follows:-

“8. That the real facts of the present case are that the injured Dharambir, present petitioner, Surjit and Sumit all belongs to same village Bohar and all the four persons on the date of alleged occurrence i.e. 26.08.2024 were taking drink together and after taking drink, injured was going on his motor-cycle and the present petitioner, Surjit and Sumit were going in a car; the offending vehicle was owned by said Sumit and Surjit was driving the said vehicle. The owner of the vehicle was sitting on conductor side and the present petitioner was sitting on rear seat of the car, meanwhile the accident took place with the motor-cycle of injured. Therefore, it is very clear that there is no fault on the part of the petitioner as he was sitting on the rear seat of the offending vehicle but the prosecution did not implicate the driver and owner of the offending vehicle whereas the petitioner has been falsely implicated in the present case.”

8. On the face of it, the complainant's version was found to be truthful in the investigation whereas story made by the petitioner in the bail petition was found to be incorrect by the Investigator. Although the Investigator has no final authority to decide the criminal trial but for the investigation, the Investigator is the person who has to unearth the truth and highlight falsehood. In that background, the nature of crime is serious and points towards the criminal mindset of petitioner and his accomplices. Thus, the petitioner is not entitled to bail.

9. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

10. The petitioner's custody of around 04 months cannot be termed prolonged, given the minimum sentence prescribed for the offense, which can extend to life imprisonment.

11. Regarding the delay in the trial, if the trial does not conclude within one year of the petitioner's custody, and the delay is not attributable to the petitioner, the petitioner may apply for bail before the trial Court. The Court shall not be influenced by the dismissal of bail on merits or by the criminal history and shall decide it on changed circumstances and the prolonged trial.

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

13. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

24.01.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.