



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

227

CRM-M-56181-2024

Date of decision: 30.01.2025

Ajay Nayak @ Gholu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Pavitra, Advocate and
Mr. Mohit, Advocate
for the petitioner.

Mr. Rajat Gautam, Addl. A.G. Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.329 dated 27.04.2023 under Sections 147, 149, 323, 307, 506, 120-B of the Indian Penal Code, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station HTM Hisar, District Hisar.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 29.04.2023 in a case of false implication; the petitioner has not been attributed any injuries, much less with a firearm on the brother of the complainant. Instead, the only role attributed to the petitioner is of having accompanied co-accused Vijay and Sandeep and having given fist blows on the person of injured Rahul. Learned counsel contends that since the examination in chief of



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injured Rahul has already been done, further incarceration of the petitioner would serve no useful purpose as eight prosecution witnesses still remain to be examined. It has also been submitted that one of the co-accused Sandeep has already been extended the concession of bail by this Court vide order dated 07.11.2024 (Annexure P-6).

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner nor has it been disputed that the examination in chief of injured Rahul has already been concluded. It has, on further instructions, also not been disputed by the learned State counsel that the petitioner has been attributed only fist blows on the person of injured Rahul. However, learned State counsel has reiterated the allegations levelled in the FIR in question annexed as Annexure P-1 and which has been reproduced hereinunder:-

“Statement of Bijender son of Anant Ram Caste Gujjar resident of H. No. 229, Vishal Nagar Mill Gate, Hisar, age 30 years. Mob. No. 72060-60307.

Stated that I am resident of above-mentioned address. We are two brothers and one sister. My younger brother Rahul aged about 28 years run Milk Dairy in Vishal Nagar. Yesterday on 26.04.2023 at about 10.15 PM Rahul went from home to Keshav Cream Dairy Vinod Nagar Mill Gate Hisar. There Vijay Bjad son of Shamsher resident of Tibba Dana Sher, Anil Bad son of Shamsher, Sandeep alias Dipra son of Ransingh alias Rabiya residents of Tibba Dana Sher, Manoj alias Moja son of Krishan Rawat resident of Kali Mai Mandir Mill Gate Hisar, Gholu Bachchi alias Ajay Nayak son of unknown resident of near Baba Balak Nath Mandir Tarsem Nagar Hisar and Vikas Goyal son of Krishan Goyal resident of near Kali Mai Mandir Mill Gate Hisar and 5/6 other unknown persons were present. All of them did fight with my brother. That Sandeep slapped him, Vijay caught hold the neck, thereafter Rahul also slapped Sandeep in his defence, then Sandeep by taking pistol out of his pocket shot fire on the



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foot of Rahul, from behind Anil Bjad gave voice that he should be killed by life. Thereafter Raja Gujjar and Sunil Rawat bhai said that this one should be killed. We ourself will see. Upon hearing this, Vijay Bjad took out pistol from his pocket, shot fire in the stomach of my brother. After that my brother fell down on ground and Vijay Bjad while making air fire said that whoever will have any dispute with him, his fate will be same. Thereafter all the persons by waiving their weapons went away from there by giving life threat. I was at my home. At that time I received call from my brother Rahul who disclosed all happening to me. Thereafter I reached on spot, then at some distance I met with my brother Rahul with whom I went to Civil Hospital hisar, where Dr conducted the treatment. Thereafter, I took my brother to Sapra Hospital, Hisar in the night. Around 1-1/2 year ago, one fight was happened with Sunil Rawat regarding sale of liquor. Due to that dispute, Vijay Bjad, Anil Bjad, Sandeep Bjad, Gholu Bachi alias Ajay Nayak, Manoj alias Moja and Vikas Goyal and 5/6 other, on the asking of Raja Gujjar and Sunil Rawat shot bullet on my brother with intention to kill him. Stringent legal action be taken against them. My brother Rahul is admitted in Sapra Hospital, Hisar, who is not fit for giving the statement. I have got recorded my statement in full consciousness, which is correct. Sd Bijender Attested Ved Parkash ASI 1389 PS HTM Hisar dated 27.04.23.”

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The trial is unlikely to conclude in the near future as eight prosecution witnesses still remain to be examined. The firearm injuries on the person of injured Rahul have been attributed to co-accused Sandeep and Vijay whereas the petitioner has been attributed just fist blows. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it



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is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

30.01.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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