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

CRM-M-59140-2024**Date of decision : 19.03.2025****Devender @ Lala****....Petitioner****versus****State of Haryana****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Pradeep Virk Advocate and
Mr. Kamal Deep Sehra, Advocate for the petitioner.

Mr. Tanuj Sharma, A.A.G., Haryana.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner praying for grant of regular bail in case FIR No.150 dated 04.09.2019, under Sections 148, 149, 323, 341, 307, 427 of IPC (Section 352, 379-B, 506, 201 and 120-B of IPC added during investigation), registered at Police Station BPTP, Faridabad.

2. Succinctly the facts of the case are that the present case was registered on the statement of complainant, namely, Amar Singh. It was alleged that on 04.09.2019 at about 11:00 AM, when he was waiting for someone to meet at Ramador on Bye Pass, he saw a Honda City car coming from Delhi side, and 5-6 boys on two motorcycles armed with batons and iron rods in their hands were chasing the car. They stopped the car and pulled out the person from the car. They all attacked the inmates of the car with baton and rods with intention to kill him. He saw that the person having been beaten was Iqbal Singh Sandhu, who was the Principal of Tigab College, whom he knew earlier. On seeing the police,



vehicle, all the boys fled away from the place of occurrence along with weapons carried by them. Request was made to take legal action against the culprits. On registration of FIR, the investigation commenced. During investigation, co-accused of the petitioner was arrested and thereafter on disclosure statement of co-accused Gaurav @ Tunda recorded on 17.09.2019 the complicity of the petitioner was also found and hence, he was also arrayed as an accused in the present case. However, he could not be arrested and thus, he was declared Proclaimed Offender. Thereafter, he was arrested on 20.12.2023. He approached the Learned Additional Sessions Judge, Faridabad praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Additional Sessions Judge, Faridabad vide order dated 14.10.2024. Aggrieved by the same, the petitioner is before this Court praying for grant of bail by way of filing of present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that neither the petitioner has been named in the FIR nor there is any overt act has been alleged against him. He submits that the petitioner has been arrayed on the basis of disclosure statement of the co-accused, which is not an admissible evidence. He submits that the petitioner was arrested on 20.12.2023 and since then he is behind bars. He submits that in all there are 08 accused out of which 06 accused have already been granted bail. He submits that though the petitioner is involved in other cases, however, he is on bail in those cases. He submits that in the facts and circumstances of the case, it is apparent that the present case has been planted upon the petitioner as he is involved in other cases. He thus, submits that in facts and circumstances of the case the petitioner deserves



to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and submits that the petitioner is a habitual offender. He submits that the complicity of the petitioner was found on the basis of disclosure statement made by the co-accused recorded on 17.09.2019, however, he remained at large. He submits that the petitioner was arrested after about 04 years of the said occurrence. He has placed on record the custody certificate of the petitioner. He submits that out of total 08 accused, 06 accused have already been granted bail. He further submits that out of 34 prosecution witnesses, 06 witnesses have been examined so far.

5. After hearing counsel for the parties and perusing the record, it is deciphered from the facts of the case that the occurrence has taken place on 04.09.2019, however, the petitioner was arrested on 20.12.2023. The petitioner has been arrayed as an accused in the present case on the basis of disclosure statement made by the co-accused. It is an admitted fact that out of 08 accused, 06 accused have already been enlarged on bail. Though the petitioner is involved in other cases as is reflected from the custody certificate, however, the same in itself cannot be a ground for the non-consideration of his bail when similarly situated co-accused, have already been enlarged on bail by this Court.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to

the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

19.03.2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(RAJESH BHARDWAJ)
JUDGE