

2025:PHHC:012605



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102+205

CRM-M-58062-2024 (O&M)
Date of decision: 28.01.2025

Vikas @ Kashu

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Munish Bahl, Advocate for
Mr. Pankaj Bali, Advocate for the petitioner.

Mr. Karan Jindal, AAG, Haryana.

FIR No.	Dated	Section/s	Police Station
268	21.08.2023	148, 149, 323, 324, 506, 326, 307 IPC (201 IPC and 25 of Arms Act added later on).	Ramnagar, Karnal

VIKAS SURI, J.

CRM-2590-2025

Prayer in the present application is for adding Section 201 of IPC and Section 25 of Arms Act in the head note and prayer clause of the main petition.

Learned counsel for the applicant-petitioner submits that Sections 201 of IPC and 25 of Arms Act have been added later on, however, inadvertently, the same could not be mentioned.



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Notice of the application.

Mr. Karan Jindal, AAG, Haryana, accepts notice on behalf of respondent-State.

For the reasons mentioned in the application, the same is allowed. Registry to carry out the necessary corrections.

CRM stands disposed of.

CRM-M-58062-2024

1. The present petition has been filed seeking grant of regular bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to the petitioner in the above captioned case.
2. Learned counsel for the petitioner submits that on the statement of Vikas Sharma son of Jitender, extracted hereunder, the above captioned FIR was registered.

“Stated that I am resident of above said address and I do a private job. Today on 20-8-2003 at about 6.30 PM my brother Vikrant and his brother in law Ravish and his wife Parul and my wife Rimpi and two children left for Ladwa in a Mahindra TUV bearing vehicle no. HR-06G-4926. At about 6.45 PM I got a call from my brother's brother in law Ravish that we are in Shiv Colony in front of Purna Bullet house in lane number 2. We have had an altercation with an e-rickshaw and an Alto driver, who are abusing us. Please come quickly. On hearing this news, I and my father Jitendra reached the spot and my brother Vikrant and his brother-in-law Ravish were being abused by the Alto driver and the e-rickshaw driver. After a while, two motorcycles arrived there on which 3 boys were



riding who had weapons in their hands and as soon as they arrived, one of the boys said, Gurnaam, what happened? Gurnam said that there was a fight with Sohna, and holding a grudge on this, Gurnam said Vinay, today he should not escape, and after saying this Vinay stabbed my brother Vikrant several times on the head with the knife he was holding in his hand, then Vinay said Khushi what are you looking at, kill those bastards, after saying this Khushi stabbed my brother's brother-in-law Ravish several times on the neck, head and both the arms with the knife he was holding in his hand, when I tried to rescue them, a third boy among them stabbed me on the left side of my neck and the thumb of my left hand with the knife he was holding in his hand and when my father tried to rescue us, one of those boys stabbed my father as well. When we shouted for help, a lot of people from the PTO gathered there, all the above boys, in consultation with each other, stabbed us. The above-mentioned boys left their Alto and e-rickshaw at the spot and fled from the spot with their two weapons and while leaving threatened to kill us. Action should be taken against them. I have got recorded my statement before your, readover, heard it, which is correct.

Sd/- Vikas, 20.08.2023”

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated and was not named in the FIR. The petitioner has been nominated on the basis of disclosure statement of co-accused Gurnam Singh, who has been granted the concession of regular bail. The petitioner was arrested on 24.01.2024. The investigation is complete;



challan was presented on 01.02.2024 and charge stands framed vide order dated 25.07.2024. Out of 25 prosecution witnesses cited, none has been examined so far. The culmination of trial would take its own time and no useful purpose would be served by keeping the petitioner incarcerated for an indefinite period. The petitioner is not involved in any other case. It is further submitted that role attributed to the petitioner is of having inflicted injury to complainant Vikas Sharma on the left side of his neck and left hand thumb with a knife. It is further submitted that as per MLR, the injuries on the person of complainant Vikas Sharma, who was discharged from the hospital on the same day of occurrence, were opined to have been inflicted with a blunt weapon and are simple in nature. The implication of the petitioner would be a matter of trial.

4. *Per contra*, learned State counsel has opposed the petition and has placed on record custody certificate of the petitioner dated 22.01.2025 showing actual sentence undergone of 1 year. However, the factual aspects have not been denied. As per custody certificate, the petitioner is not involved in any other case.

5. I have heard learned counsel for the parties and gone through the paper book.

6. Having regard to all the aforesaid facts and circumstances of the case, but without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his



furnishing bail-bond and surety/sureties to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. It is made clear that the petitioner shall not influence the trial or prosecution witnesses in any manner directly or indirectly. The petitioner would regularly appear before the trial Court and will not seek unnecessary adjournments, lest the same would be construed as misuse of concession of bail.

8. Any observations or submissions noted above shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available on record.

January 28, 2025
sumit.k

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :	Yes / No
Whether Reportable :	Yes / No