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

CRM-M-61378-2024

Date of Decision: 14.02.2025

Rinku

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Arpandeeep Narula, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana with
Mr. Narender Kumar Parmar, AAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.240 dated 26.05.2024 registered under Sections 324 & 379-B of IPC, at Police Station Civil Lines, District Sirsa.

2. The FIR in the present case was registered on the basis of the statement made by Amit Kumar son of Chaman Lal and the same has been reproduced below:-

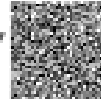
“Statement of Amit Kumar son of Chaman Lal resident of street No.13 Preet Nagar, Begu Road Sirsa aged about 40 years mobile No.7015713204. I would like to state that I am resident of above noted address and I am doing the work of marketing in VECTUS Company of Sanitary in Sirsa and Deepanshu son of Rajesh Singhal resident of village Kamaspur Police Station Bhalgarh District Sonimat is also doing the work of



marketing of Sanitary of Anul Company in District Sirsa with me.

Yesterday on 25.05.2024 during night hours, I along with my friend Deepanshu went to Delhi bridge on my car bearing registration No. HR26-ZX-3817 make Alto colour Silver, I was driving the car and thereafter we were going towards Barnala road via Minni bypass and we had reached about 150/200 mtrs ahead on Barnala road from Delhi Bridge then I stopped my car on asking of Deepanshu to get free from natural call then I stopped the car on one side.

At around 9.15/9.20 O'clock, I was sitting on the driver seat inside the car then four boys came on a motorcycle, having muffled faces, they knocked the door the window glass of my car and when I opened the window of car then suddenly a boy has caught hold my collar and alighted me from the car and he has demanded key from me, I refused to give key then two boys more came on a motorcycle from back side and one by has given blow of Kapa on my head from back side, then second boy has given on my head, due to which, I fell down on the ground, Deepanshu came forwarded to save me the one boy has given blow of Danda on the left of Deepansu and thrown him on the ground, I got up and tried to save him, then boy has given blow of Kapa on my waist, due to which the key of car fell down on the ground from my hand, then one boy has given blow of Danda on my left side knee, then one boy said that let's kill him, then I and Dipanshu have raised noise "Mardia Mardia" then said unknown boys have ran away from the spot along with my car. My purse, mobile phone make OPP in which two SIM of Jio 9518152521 and Airtel 9896411383 were working and the documents of my scootry, RC of my key, my license, ATM of Bank of India, PAN Card of my wife, Aadhar Card of my wife and my both children and Rs. 3000/-in cash were in my purse. Thereafter my friend Deepanshu has made phone call at helpline No. 112, then the officials of Helpline No. 112 reached at



the spot and they took us to Government Hospital Sirsa for treatment, where the doctor has given me first aid and got done my CT Scan, thereafter I came back to my house. Today I along with my wife Meena and my friend Dipanshu came to Police Post to give complaint in this regard and I have presented the MR of my injuries to you. The unknown boys have snatched my car by causing injuries to me and my friend Deepanshu. Legal action be taken against them. Statement got recorded, heard, same is correct. Sd/- Amit Kumar.”

3. Learned counsel for the petitioner contends that the petitioner was not named in the FIR. Further, as per the complainant, the accused in the present case had come with muffled faces and there was no occasion for the complainant to identify any of the alleged assailants. Further, no test identification parade was held in the present case and the petitioner has been falsely involved without any incriminating evidence. He further contends that as per the case of the prosecution, the accused in the present case had also caused injuries to the complainant, while snatching his car, phone and purse. However, the injuries suffered by the complainant are simple in nature. The petitioner was arrested in the present case on 10.07.2024 and is in custody for the last more than 07 months. The petitioner is facing prosecution in two more cases, however, he is on bail in both the cases.

4. On the other hand, status report by way of an affidavit of Deputy Superintendent of Police, Sirsa has been filed by learned State counsel in Court today and the same is taken on record. Learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the



ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

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

6. The petitioner was arrested in the present case on 10.07.2024 and the final report under Section 173 Cr.P.C. has already been presented against him. Moreover, the prosecution is yet to lead evidence with regard to the involvement of the petitioner in the crime, during the course of trial.

7. At this stage, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, 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 involves 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.

14.02.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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