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

CRM-M-62695-2024**Date of Decision: 09.01.2025**

Khushi Ram

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Ms. Pallavi Babbar, Advocate, for the petitioner.

Mr. Rajinder Kumar Banku, Deputy Advocate General, 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 her in case FIR No.0382 dated 05.08.2024 registered under Sections 109(1), 115, 118(1), 190, 191(3), 351(2) of BNS, at Police Station Kurukshetra University, District Kurukshetra.

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case as Parveen Kumar alias Kali came with a country made pistol and raised a dispute with regard to the parking of auto rickshaws. While exercising his right to private defence, the petitioner along with other co-accused had also caused injuries to the complainant side. Learned counsel contends that as per the case set up by the prosecution, the petitioner had caused injuries with a *gandasi* to Parveen Kumar alias Kali. However, Parveen Kumar alias Kali has already been discharged from the hospital long ago. The petitioner was arrested in the present case on 06.08.2024 and is in custody for the last more than 05 months. By referring to the orders



Annexure P-3 and P-4, respectively, learned counsel submits that co-accused, Shiv Kumar @ Shiva Pandit and Sanjeev Kumar alias Antu have already been granted the concession of regular bail by this Court, whereas, Rahul and Salinder Kumar have also been granted the concession of anticipatory bail by this Court.

3. On the other hand, reply by way of an affidavit of Sunil Kumar, HPS, DSP, HQ Kurukshetra has been filed on behalf of the respondent-State 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. He further submits that the petitioner is involved in three more criminal cases.

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

5. In the present case, the petitioner was arrested on 06.08.2024 and is in custody for the last more than 5 months. The prosecution has relied upon 18 witnesses, but no witness has been examined so far. Moreover, Shiv Kumar @ Shiva Pandit and Sanjeev Kumar alias Antu have been granted the concession of regular bail by this Court, whereas, Rahul and Salinder Kumar have been granted the concession of anticipatory bail by this Court. Thus, no purpose will be served by keeping the petitioner behind bars.

6. 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.*

09.01.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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