



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

228

CRM-M-63485-2024 (O&M)

Date of decision: 26.05.2025

Aju @ Ajay Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. A.K. Khunger, Advocate for
Mrs. Riffi Birla, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab assisted by
ASI Pargat Singh.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.117 dated 03.11.2023 under Sections 365/341/342/323/379-B/506/500/148/149 of the IPC registered at Police Station Bahavwala, District Fazilka.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 26.09.2024 and after the challan was presented, the trial had come to a virtual standstill as neither the charges had been framed nor any of the 14 witnesses cited by the prosecution examined. It has been contended that it is evidently a case of false implication of the petitioner; although the petitioner has been named in the FIR in question, however, cumulatively all the accused, including the petitioner, had been attributed five injuries on the person



CRM-M-63485-2024 (O&M)

of the complainant. Learned counsel has, therefore, prayed that in the aforementioned facts and circumstances, keeping in view the delayed trial, the petitioner deserves to be enlarged on bail.

3. On the previous date of hearing, learned State counsel had opposed the prayer made by the petitioner for releasing him on bail on account of the fact that he was a man of criminal antecedents. It had also been submitted that the petitioner stands booked in five other criminal cases coupled with the fact that after the registration of the instant FIR the petitioner had absconded leading to him being declared a proclaimed offender on 22.07.2024.

4. Learned counsel for the petitioner has submitted that no doubt the petitioner was indeed declared a proclaimed offender and he remained as such for two months, however, he was unable to put in appearance before the Court on account of the fact that he was booked in another criminal case as a result of which he was unable to appear before the Court in the present case.

5. On being pointedly asking, learned State counsel has not disputed the involvement of the petitioner in multiple other criminal cases which find reflected in the custody certificate placed on record by him today in the Court.

6. Learned State counsel has vehemently opposed the prayer and submissions made by learned counsel for the petitioner, by drawing the attention of this Court to the serious allegations levelled in the FIR (Annexure P-1) and which stands reproduced hereinunder:-

“Statement of Abhishek son of Vishnu Kumar son of Sh. Banwari Lal r/o village Sitto Guno, Tehsil Abohar,



CRM-M-63485-2024 (O&M)

District Fazilka aged about 19 years Mb. NO. 95180-43690 stated that I am resident of aforesaid address and works as a labourer and is a single child. I do not have any brother or sister. My father also works as a labourer. On 30.10.2023 at about 9-9% pm that I after watching the show of cycle rider in the village was coming back towards my house and when I reached near Bishnoi Mandir Sitto Guno then two motorcycle came there and on which Neel Kamal son of Pala Ram armed with kappa tied in a cloth on the waist, Pankaj son of Pala Ram armed with kappa tied in a cloth with the waist and on the other motorcycle were Vishal son of Mohinder Kumar residents of Situ Guno armed with stick tied on the side of motorcycle and stopped me and gave me beatings and then Neel Kamal took out Kappa tied to his waist and with intent to attack me asked me to sit on the motorcycle then in the meantime Pankaj made me sit in the middle on the motorcycle and covered my mouth with the hand and Vishal followed us on his motorcycle and took me to village Sukhchain bus stop then there already Pawan Bhat son of Sarwan Ram armed with kappa resident of Sito Guno, Azu son of not known armed with small kirpan resident of Ram Sara, Kamal son of Mohinder armed with kappa, Vinod Khanna son of Daulat Ram armed with stick resident of Sukhchain, Bindu son of Pappu Ram resident of Kherpur armed with stick alighted me from the motorcycle and started giving be beatings, then Kamal said that video should be made of him receiving the beatings and begging before us because he will not speak against us in the future then they all kept their weapons aside again started giving be beatings then Kamal started making video on his mobile phone regarding giving beatings and using abusive language. I requested them for not doing so but Bindu said that you beg before Kamal's feet and apologies and I being scared kept on doing whatever they said to me then made me draw lines with my nose on cow dunk, cart and in this way, they prepared the video and if I would not have done so then they were threatening me that we will kill you and they all after threatening me with the weapons torn my pocket and forcibly snatched Rs.2500/- and I being scared of them went in my relation at Rajasthan, then I discussed with my friend Mukesh son of Mohinder Kumar resident of Kherpur, then he asked me where are you, on which I told him that I am getting myself treated for the injuries in my relation, then my friend Mukesh brought me and got me admitted at Civil Hospital, Abohar, where I am undergoing treatment. I received injuries on little finger of my left hand and right bicep, right shoulder and in the waist, the bone of contention is that my friend Aseem Bishnoi son of Vinod Kumar resident of Kherpur's sister



CRM-M-63485-2024 (O&M)

performed court marriage with Kamal son of Mohinder r/o Sukhchain paternal uncle's son few days back. I, Aseem Bishnoi and Ankit went to Kamal's house to take mobile number of that boy and keeping the grudge of same, they all in furtherance of each other caused me injuries after taking me from Sito Guno to Sukchain and snatched Rs.2500/ under the fear of weapons and made me draw lines with my nose and insulted me and made video. Legal action should be taken against them. I have got recorded my statement, which has been heard and it is correct. Sd/- in Punjabi aforesaid in presence of Sd/ in Hindi Sonu Kumar son of Ram Kumar r/o Sito Guno, verified by Sd/ Balbir Singh ASI I/O PP Sito Guno P.S. Bahavwala dated 03.11.2023.”

7. Learned State counsel has submitted that a perusal of the FIR reveals that not only has the petitioner been specifically named therein at the very first instance, he has been attributed specific role also; he was armed with a lethal weapon like small *kirpan* with which he attacked the complainant party; there is a video recording also of the occurrence in question which has been collected by the investigating agency and therein the petitioner along with other co-accused is clearly visible. Learned State counsel has also brought to the notice of this Court on instructions that the delay in the trial is for reasons attributable to the petitioner's involvement in other cases, and in case the petitioner is enlarged on bail, there is a genuine apprehension that he could again be involved in some other crime or misuse the said concession by absconding yet again as had been done earlier by him. Learned State counsel has also submitted that in case the petitioner is enlarged on bail and that too at this stage, the possibility of the petitioner intimidating/influencing the material witnesses, including the complainant, who is yet to be examined, cannot be ruled out.



CRM-M-63485-2024 (O&M)

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

9. The petitioner, *prima facie*, comes across as a habitual offender. A perusal of the FIR which stands reproduced hereinabove leaves no manner of doubt that the petitioner is named in the FIR in question and was an active participant in the occurrence in question. Keeping in view the role attributed to the petitioner, his criminal antecedents, and also the stage of trial, this Court does not deem it fit to extend the concession of bail to the petitioner.

10. Accordingly, the instant petition is hereby dismissed.

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

12. Pending applications, if any, stand disposed of.

26.05.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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