



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

228

CRM-M-64594-2024

Date of decision: 13.02.2025

Kartar Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Mohit Kakkar, Advocate  
for the petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

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**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner in the instant (third) petition is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.13 dated 21.01.2024 under Sections 392 and 397 of the IPC, 1860 and Section 25 of the Arms Act, 1959 registered at Police Station Ding, District Sirsa.

2. Learned counsel for the petitioner contends that the petitioner has been in custody since 24.01.2024 in an apparent case of false implication. It has been argued that false implication of the petitioner is evident from the fact that while stepping into the witness box the sole material witness, i.e. the complainant, had not supported the case of the prosecution as a result of which he was declared hostile. Learned counsel, therefore, argues that in the given facts and circumstances, further incarceration of the petitioner would serve no useful purpose as there can be now no apprehension of the petitioner



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intimidating/influencing the remaining witnesses, who are merely formal in nature.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has reiterated the allegations levelled in the FIR in question which stand reproduced hereinunder:-

*“To SHO Police Station Ding, It is requested that I Pawan Kumar S/O Shri Banwari Lal resident of village Phulka and I am farmer and I along with my family live in Dhani at Phulka to Sikandarpur road and I came to village on motorcycle bearing no. HR24M 0879 for some work and was going back to my Dhani. At about 8:54 minutes, when I reached near the University Building a little ahead of Gaushala towards Sikandarpur, I saw two motorcyclists carrying two persons each. One of the motorcyclists was wearing a black coat and I could recognize all the four motorcyclists when they came in front of me. Suddenly both the motorcyclists, one in front of me and the other parallel to me, one of them put a pistol on my neck and the other one put dattar on my neck. One caught hold of me from behind and searched me and took out Rs 175/-from my pocket and snatched my mobile phone Vivo which was red in color and whose number is 9812353390 and snatched my motorcycle number HR24M 0879 and ran towards village Phulkan. Strict action be taken against unknown bike riders and my mobile, motorcycle and money should be recovered. You will be very kind SD/- Pawan Kumar Applicant Pawan Kumar S/O Shri Banwari Lal resident Phulkan 9306478193 Date 21/1/24.”*

4. However, learned State counsel, on instruction, has not disputed that the sole material witness, i.e. the complainant, while testifying before the learned Trial Court, had not supported the case of the prosecution as a result of which he had been declared hostile.

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

6. The complainant in the present case has been examined

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and not supported the case of the prosecution as a result of which he was declared hostile. The remaining prosecution witnesses are formal in nature, hence, in the circumstances, if the petitioner is enlarged on bail, there can be no risk of the remaining witnesses being intimidated/influenced. The trial would take some time to conclude. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

**13.02.2025**

Vinay

**(MANJARI NEHRU KAUL)  
JUDGE**

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