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CRM-M-545-2025 (O&M)

218-A

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-545-2025 (O&M)

Date of Decision: 15.01.2025

SHIV SHANKAR

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. R.S. Rai, Sr. Advocate,
Mr. Amandeep Singh, Advocate,
Mr. Abhishek Yadav, Advocate,
Mr. Karan Pathak, Advocate,
Mr. Arjun S. Rai, Advocate,
Ms. Rubina Virmani, Advocate and
Ms. Prachi Gupta, Advocate for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

...

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.0851 dated 01.12.2024, registered for the offences punishable under Section 326(g) of BNS, 2023 at Police Station Chandnibagh, District Panipat.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Sir, I am constable Deepak 961, security agent posted in the office of Superintendent of Police, Panipat. On behalf of officer Bala, I do duty in Chandni Bagh, Panipat Today on 30.11.2024 I received information that a fire has broken out in the auditorium of FUN CINEMA in Mittal Mega Mall. On receiving this information, I reached the auditorium 'FUN CINEMA Mittal Mega Mall Sector 25 Panipat at around 11.30 AM. I saw that a battery type burnt instrument and many matchsticks as well as small pieces of plastic near the exit gate of auditorium no. 2. I personally upon investigating, found out that this incident was done by Shiv Shankar Manager and Deepak Maintenance employee together to influence the officers of Cine Police Company with the objective to pressurise and stop the transfer of Shiv Shankar Manager from Panipat to Ludhiana Punjab.

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Please take legal action against Shiv Shankar Manager and Deepak Maintenance. SD Applicant SA CT DEEPAK 961 Agent Security Branch Panipat Phone No 9896985032 Date 30.11.2024 Today Police Station-Arrival, on receipt of the application at the police station, it was found that the crime 326(g) BNS was present in the application, so case No. 851 dated 01.12.2024 under section 326(g) of BNS was registered at Police Station of Chandni Bagh District, Panipat and copies of the FIR were checked through computer. The copy of Misal Police along with original application has been sent to ASI Amit 1491 for further action at the scene of incident. Remaining copied FIR will be presented to the concerned officers and area magistrate. The First Information Report was registered in the presence of SI Rajendra of Chandni Bagh, Panipat. The investigator of this case is ASI Amit 1491 of Police Station Chandni Bagh, District Panipat. Sir, ASI Amit 1491's CCTNS code is not available in this police station, hence ASI Rajendra 74 has been assigned Note- Sir, due to CCTNS not working, the case is being registered now.”

3. Learned senior counsel for the petitioner has argued that the petitioner is in custody since 02.12.2024. Learned senior counsel for the petitioner has submitted that no person was injured in the alleged incident. Learned senior counsel for the petitioner has further argued that the company (which owns the cinema in question) has already informed the concerned police authorities that the property damaged was minimal with only a small portion of curtain affected & the fire was put out on prompt effective response of the staff present at the cinema. Learned senior counsel for the petitioner has further submitted that the petitioner has been falsely implicated into the FIR in question. Learned senior counsel for the petitioner has further submitted that there is no proposal to transfer any employee of the company as alleged in the FIR. Hence, regular bail is prayed for.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

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6. The petitioner was arrested on 02.12.2024 and is in continuous custody since then. The matter is still under investigation and culmination of the investigation and, in case challan is presented, trial thereof will take its own time. The rival contention of the learned counsel for the parties; as to whether the fire in question took place accidentally on account of mischief; whether the petitioner has been falsely implicated into the FIR in question and the veracity/weightage required to be attached to the allegation made in the FIR that the petitioner sought to put on the fire on account of a transfer proposal of an employee; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the investigation/trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the investigation. As per the custody certificate dated 14.01.2025 filed by the learned State counsel, the petitioner has suffered incarceration for more than 01 month and 11 days & is not shown to be involved in any other case. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.



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- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

15.01.2025
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No