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

CRM-M-28666-2025

Date of Decision:28.05.2025

RAJ KUMAR

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of BNSS, 2023 with a prayer to grant regular bail to him in case FIR No.159 dated 05.05.2024, registered under Sections 436, 120-B IPC, 1860, Police Station City Sohna, Police Gurugram.

2. The FIR in the present case was registered on the basis of the statement made by Dharam Singh Saini and the same has been reproduced below:-

*“To the S.H.O. Sahab, City Police Station, Sohna. Sub:-
Legal action be taken against the culprits, who deliberately set fire
to a three storey rented building with a preplanned conspiracy.
Sir, it is humble submission that the applicant was doing Hotel
business in his three storied building at Sohna bypass adjacent to
'Bhivishya Vatika'. Due to his ill health, about 8-9 months ago,*



entire building in the shape of hotel was given on rent @ Rs.75,000/- per month to Sh. Raj Kumar son of Antram, resident of Phulwari (Mobile No. 8221952400) Tehsil and District Palwal, vide rent deed. Even though, the tenant had not given the settled price of the furniture, i.e., Rs. 65,000/-, which was being used in the hotel till today; alongwith this, the rent of 2/3 months was pending towards the tenant. Due to non-payment of the rent and my pressure for the vacation of all the three stories of my hotel, the above said tenant has managed to get the hotel set on fire, either through his representative Sunny (Mobile No. 95881-52713) or Shivam, by pouring some inflammable substance or chemicals etc. on all the three floors of the hotel and I have full doubt on that. Because, after the fire-brigade controlled the fire in 2-3 hours; on inspecting of the building, it appeared that there was no electrical short circuit anywhere from the top to bottom in the building. The fire in the building does not seem to have started from the one spot, but appears at various places on every floor. The fire appears to have burnt, while all the doors of the rooms are closed. Chemical stains are still visible at many places on the floors of the building. Information has also received from sources that all the valuable goods used in the hotel were taken away in a truck by a person named Shamshad (Mobile No. 93155-13211) 2-3 days ago. Even much before setting the fire, all the cameras installed in the building were switched off. Due to the fire in the building for about two-three hours, the three storey building constructed at a cost of Rs.80-85 lakh has become dilapidated and is no longer fit for use. Considering the above facts, either from the forensic Team or CIA Department or from any competent higher authority, you should thoroughly get the incident of arson investigated and identify the culprits, who set the fire and take appropriate legal action against them and the damage of the applicant be got compensated. I, the applicant and my whole family will be highly grateful to you for this action of support till the end of our lives. Thanking you. Note:



copy of rent agreement is enclosed. Dated 19.04.2024. Sd/- (in Hindi dialect) Applicant: Dharam Singh Saini son of Sh. Kundan Lal Saini, resident Ward No. 14, Sohan (Mobile No. 93543-40632)”.

3. Learned counsel for the petitioner contends that the alleged occurrence had taken place on the intervening night of 18/19.04.2024, whereas, the FIR has been got registered by the complainant after a delay of more than 16 days and no person had suffered any injury in the incident. He further contends that in fact the petitioner was running a hotel in the building owned by the complainant and there was a dispute of tenancy between the petitioner and the complainant. Even there is no evidence to substantiate the allegations that the petitioner had set the hotel on fire. Even there was no witness to the occurrence nor the CCTV footage shows that the petitioner was involved in putting the building on fire. He further contends that in the present case challan has already been presented against him and no witness has been examined so far.

4. On the other hand, 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. He further submits that the petitioner has been involved in one more case under Sections 147, 149, 323, 341 & 342 IPC.

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



6. In the present case, the petitioner is stated to be in custody for the last more than 01 month and 20 days. The challan has already been presented against him and the trial is not likely to conclude in near future. Thus, the further custody of the petitioner will not serve any useful purpose.

7. 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.

28.05.2025
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(N.S. SHEKHAWAT)
JUDGE

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