

2025:PHHC:000709



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

(226)

CRM-M-52784-2024

Decided on : 07.01.2025

Lalit Dhiman

.....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM : HON'BLE MRS.JUSTICE MANJARI NEHRU KAUL

Present: Mr.G.C.Shahpuri, Advocate for the petitioner (s).

Mr.Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

1. Prayer in the instant petition is for grant of regular bail to the petitioner under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case FIR No.38 dated 15.02.2024 under Sections 148, 149, 323, 452, 506 IPC and Section 308 IPC added later on, registered at Police Station Chhappar, District Yamuna Nagar.

2. Learned Counsel for the petitioner submits that the petitioner has been in custody since 21.07.2024 in a case of false implication, which was registered initially under Sections 323, 452, 506, 148 & 149 IPC; subsequently, the offence under Section 308 IPC was added. While drawing the attention of this Court to the FIR which has been annexed as Annexure P-1, it has further been submitted by the Learned Counsel that although the petitioner has been named therein, however, even as per the case of the prosecution, he was unarmed and there was no injury much less any injury inviting the mischief of Section 308 IPC, attributed to him.

3. Learned Counsel for the petitioner has further submitted that it is a matter of record that all the injuries which were allegedly sustained by the complainant party were found to be simple in nature. Furthermore, identically placed co-accused, Harman and Sanjeev Kumar @ Chota had been extended the concession of bail by this Court vide order dated 12.08.2024 (Annexure P-2). Learned Counsel for the petitioner has, therefore, prayed that the petitioner be also enlarged on bail, more so, when the investigation in the present case is complete and there is therefore no likelihood of the trial concluding in the near future.

4. Per contra, Learned State Counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions, submits that the petitioner has been specifically named in the FIR in question; he was accompanying the co-accused at the time of the alleged occurrence; although he was not alleged to be armed with any weapon, however, he had physically assaulted the complainant. Learned State Counsel, on further instructions, has not disputed the custody period of the petitioner nor has he disputed that the investigation in the present case is complete.

5. I have heard Learned Counsel for the parties and perused the relevant material on record. The petitioner has been in custody since 21.07.2024 and investigation in the present case is complete as challan stands presented. It is also undisputed by the Learned State Counsel that no specific injury much less with any lethal weapon has been attributed to the petitioner in the crime in question. Further, there is no possibility of the trial concluding in the near future as none of the 27 witnesses cited by the prosecution have been examined till date.

6. 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 and 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.

(MANJARI NEHRU KAUL)
JUDGE

January 7, 2025
Sailesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No