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

**CRM-M-10981-2025
Date of Decision: 02.05.2025**

NARESH

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Mohan Singh Rana, 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 with a prayer to grant regular bail to him in case FIR No.294 dated 09.09.2024, registered under Sections 191(3), 190, 115(2), 126(2), 351(2), 324(5), 287, 333, 109(1), 111, 117(2) BNS & 27(1), 25 of Arms Act, Police Station Pataudi, District Gurugram.

2. Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR and has been arrayed as an accused in the present cases on the basis of the disclosure statement suffered by Sachin, co-accused. He was also named as an accused in the statement, which was made by one of the witness during the course of the investigation. He further contends that in



the present case, four persons had suffered injuries on their person, however, all of them have already been discharged from the hospital. Moreover, except Mahipal, injuries suffered by 03 other injured have been declared to be simple in nature. Even a *danda* was planted on the petitioner. During the course of investigation, however, no specific injury has been attributed to him. He further contends that in the present case Krishan had fired from his pistol, however, the fired shot did not hit any one and the offence under Section 307 IPC has been wrongly added. The petitioner was arrested in the present case on 23.09.2024 and is in custody for the last more than 07 months. In the present case, the prosecution has cited 36 witnesses, but no witness has been examined so far. Thus, conclusion of the trial may take quite a long time.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that the petitioner was also part of the unlawful assembly, which caused injuries to the 04 injured in the present case. He further contends that 08 cases were ordered to be registered against the petitioner, however, the petitioner has been acquitted in 03 cases and one FIR has been cancelled. He has also filed the reply by way of an affidavit of the Assistant Commissioner of Police, Crime-II, Gurugram on behalf of the respondent-State and the same is taken on record.

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

5. No doubt the petitioner is found involved in 08 other criminal cases, but the same is not the ground to deny the concession of bail to the petitioner, specially when he has been able to make out a case for grant of bail in the peculiar facts and circumstances of the present case. Reliance can also be



placed in the matter of ***Prabhakar Tewari Vs. State of U.P., and another 2020(1) R.C.R. (Criminal) 831*** in which the Hon'ble Supreme Court has held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of ***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another 2012(1) R.C.R. (Criminal) 586.***

6. In the present case, the petitioner is in custody since last 07 months and all the injured have already been discharged from the hospital. The prosecution has relied upon 36 witnesses but none has been examined by the trial Court so far. Thus, 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. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.



(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

02.05.2025
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(N.S. SHEKHAWAT)
JUDGE

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