

CRM-M-61470-2024

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

CRM-M-61470-2024
Reserved on: 06.05.2025
Pronounced on: 14.05.2025

Suraj Tewatia

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rajesh Lamba, Advocate and
Ms. Nirmal Rani, Advocate
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

Mr. Dhananjay Singh, Legal aid counsel
for respondent No.2

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0300	08.07.2024	Kheripul, District Faridbad	25 of Arms Act, 3(5) & 109(1) of BNS 2023

1. Seeking cancellation of bail granted to the accused in the FIR captioned above, the aggrieved person has come up before this Court under Section 483(3) of BNSS 2023.

2. Vide order dated 19.11.2024 the trial court had granted bail to the accused-respondent No.2 on the grounds mentioned in the following paragraphs of the impugned order:

“The allegations against accused in this case are for commission of offences under sections 109(1), 3(5) of BNS and Arms Act. Recovery has already been effected. Accused is in custody since 10.7.2024. Investigation has been completed and challan has already been filed as such applicant is no more required for any further investigation. The veracity of allegations is required to be seen at the time of trial. The basic principle of criminal jurisprudence that bail is a rule and jail is an exception, cannot be ignored at this stage. Conclusion of trial will take long time and no useful purpose would be served by detaining him further in custody therefore, without commenting anything upon merits of the case and keeping in view the period of custody, applicant is ordered to be released

CRM-M-61470-2024

on bail on furnishing personal bond in the sum of Rs. 1,00,000/- with one surety in the like amount to the satisfaction of Id. trial court/Illaqa/Duty Magistrate. A copy of this order be sent to the Id. trial court/Illaqa/Duty Magistrate, Faridabad, for information and necessary compliance.”

3. Petitioner’s counsel seeks bail on the ground that no opportunity of hearing was granted to him to submit his evidence. He further submits that his medical evidence and accused’s criminal history was also not considered at the time of granting bail to the accused.

4. The accused's counsel on instructions submits that accused will live in decent manner and would not enter within one kilometer radius of complainant’s home. It is also submitted that accused would not repeat the offence and would not indulge himself in the offence where sentence is more than seven years and if he does no, he has no objection if State files application for cancellation of bail in the present FIR as well as in FIR No.358/2000.

5. In the facts and circumstances peculiar to this case, and for the above reasons, no grounds exist to cancel the bail. However it is clarified that if accused-respondent No.2 repeats the offence and would indulge himself in the offence where sentence is more than seven years, State is at liberty to file application for cancellation of bail in the present FIR as well as in FIR No.358/2000. Further, respondent No.2 shall not enter the one kilometer radius of property, workplace, and residence of the victim until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to *Vikram Singh v Central Bureau of Investigation*, 2018 All SCR (CrI.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

6. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

7. **Petition disposed of in terms mentioned above.** All pending applications, if any, stand disposed of. The concerned official/officer of the legal aid services authority to ensure timely payment of remuneration of legal aid counsel.

**(ANOOP CHITKARA)
JUDGE**

14.05.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.