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

CRM-M-58-2025

Date of Decision:24.04.2025

Pankaj

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Surinder Singh Duhan, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.241 dated 23.08.2024 registered under Sections 190, 193(3), 115, 118(1), 324(4), 333, 109(1) and 61(2) of BNS and Sections 25, 54, 59 of Arms Act, 1959, at Police Station Sadar Safidon, District Jind.

2. Learned counsel for the petitioner vehemently argued that as per the allegations levelled by the complainant, Naveen and Deepak had fired shots from their respective country made pistols, but no person had suffered any fire arm injury in the present case. He further contends that the petitioner was not initially named in the FIR and as per the improved version of the prosecution witnesses, the petitioner had caused injuries with a *danda*. However, the injuries, which were allegedly caused by the petitioner, were simple in nature.

Even otherwise, all the injuries suffered by four injured, namely, Sanju, Amit, Rohit @ Golu and Raju have already been declared to be simple in nature and they have been discharged from the hospital. He further contends that the petitioner was wrongly arrested on 01.09.2024 and is in custody for the last more than 07 months. The challan has already been presented against the petitioner and the conclusion of the trial may take quite a long time.

3. On the other hand, learned State counsel has filed the reply by way of an affidavit of Deputy Superintendent of Police, Safidon, District Jind and the same is taken on record. He has vehemently opposed the submissions made by learned counsel for the petitioner and submits that the petitioner is involved in four more cases and is a hardened criminal. Thus, he does not deserve the concession of bail by this Court.

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

5. No doubt, four more criminal cases have been registered against the petitioner, but the petitioner cannot be denied the concession of bail in the present case only on that ground because the petitioner has been able to make out a case for grant of bail in the peculiar facts and circumstances of the present case. The reliance can be placed on the law laid down by the Hon'ble Supreme Court in the matter of "***Prabhakar Tewari Vs. State of U.P., and another***" **2020(1) R.C.R. (Criminal) 831**, wherein it has been 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**. The petitioner is in custody since

01.09.2024 and the challan has already been presented against him. Even the injuries suffered by all the four injured namely, Sanju, Amit, Rohit @ Golu and Raju are simple in nature.

6. At this stage, 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, 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 involves 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.

(viii) The petitioner shall report every 1st Monday in English calander month to the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the rojnamcha. In case, he does not report on every 1st Monday to the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an appropriate application in this regard.

24.04.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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