

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

CRM-M-4548-2025

Date of Decision: 31.01.2025

AYUSH

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sant Lal Barwala, Advocate for the petitioner.

 Mr. Yuvraj Shandilya, AAG, Haryana.

MANJARI NEHRU KAUL, J. (Oral)

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case FIR No. 0592 dated 17.07.2023 under Sections 120-B, 34, 452, 506, 307 IPC and 25 (1-B) (a) and 25 (1-B) (C) of Arms Act, 1985, registered at Police Station Barwala, District Hisar, Haryana.

2. Learned counsel for the petitioner submits that the petitioner's false implication in the present case is evident from the fact that both the material witnesses i.e., complainant as well as his wife, who allegedly witnessed the occurrence in question while stepping into the witness box as PW-1 & PW-2 had not supported the case of the prosecution as a result of which they both were declared hostile. It has been submitted that even otherwise a perusal of the FIR in question (Annexure P-1), reveals that the petitioner was neither named in the FIR in question nor any suspicion raised qua his involvement; allegedly three persons with muffled faces came to the house of the complainant and fired in the air before going away on their



motor-cycle after threatening the complainant with dire consequences. It has been argued by the learned counsel that in the given facts and circumstances, moreso when the petitioner has been languishing in custody since 24.08.2023, the petitioner deserves to be extended the concession of bail in the present case as the possibility of the trial concluding in the near future does not arise in view of as many as 17 prosecution witnesses having been cited.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not been able to controvert that the two material witnesses including PW-1 & PW-2 had been declared hostile during the trial. On further instructions, learned State counsel has also not disputed the custody period of the petitioner and the stage of the trial. However, it has been asserted by the learned State counsel that the petitioner is facing trial in 05 other criminal cases.

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

5. Before proceeding further, it would be apposite to reproduce the allegations levelled in the FIR in question, which is reproduced as follows:

“To, the SHO, PS Barwala, Hisar. It is prayed that I Satender Kumar son of Shri Pradeep Kumar, caste Jat, I am resident of village Badhawad and I am farmer by profession. Today when I was working in my fiends then my wife Sonu and three minor kids were there at my home. At around 06:30 PM/06:45 PM two young boys with muffed mouth came to my wife and asked her as to whether the house belongs to Bharat or not, when my wife said the house doesn't belong to Bharat. When my wife tried to shut the



gate, then she said that in the street one young man who was having muffed face and was sitting on motorcycle with engine in start condition. When my wife closed the gate at that time one boy thrown a letter inside the house and when I opened the letter, it was written inside the same that Bharat ask langda that Bacchi came and Bharat should stay low and if he tries to touch Sandeep @ Bangru again then entire family will die and this is first and last warning. Yogesh @ Bacchi is at run, beware and call him to say sorry to Banru bhai and we want quick result otherwise your family is in danger. Then both boys fired at my house and threatened my wife with death and ran from the spot while sitting on their motorcycle. My wife called me over mobile phone and intimated the same; thereafter I came back at my home and checked for the wellness of my wife and kids. It is prayed to you that legal action be taken against above three persons.”

6. It is apparent that the FIR in question was registered against unknown assailants who came to the place of occurrence with muffled faces; physical description of the alleged assailants had also not been given in the FIR in question. Furthermore and pertinently, both the material witnesses have adittedly been declared hostile, coupled with as many as 15 prosecution witnesses remaining to be examined. The possibility of the trial, therefore, concluding in the near future looks remote.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner. 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.



8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of same.

(MANJARI NEHRU KAUL)
JUDGE

31.01.2025

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