

2025:PHHC:101291



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

237

**CRM M-4401-2025
Date of Decision:06.08.2025**

Anuj @ Noji ...Petitioner
Versus
State of Haryana ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

Mr. J.S. Bains, Advocate, for the complainant.

N.S.SHEKHAWAT, J.

1. Prayer in the present petition under Section 483 BNSS, 2023 is for grant of regular bail in case FIR No.169 dated 02.08.2024 under Sections 109, 115(2), 117(2), 126(2), 190, 191(3), 351(2) of BNS, registered at Police Station Siwan, District Kaithal.

2. The FIR in the present case has been registered on the basis of the statement made by Arman and the same has been reproduced below:-

“Statement of Armaan son of Surjit Singh resident of Kranti Mohalla Siwan age 17 years Mob.No. 9996961040 stated that I am a resident of the above address and study in class 10+2. I am the only son of my

parents. I and Shiv Kumar son of Armarpal are very good friends and live together. Kaku S/O Ashwani Sharma, Mukul Rana son of Anil Rana, Karna Bharti Jatin son of Chandraman and Rahul S/O Ramniwas and other 8/10 boys take a rented room and drink hookah in Siwan itself. They pressurized me and my friend Shiv Kumar to smoke hookah with them. We found this wrong and we opposed this. Due to this, we had an altercation and abuses with Kaku and others. Regarding this matter, some influential people from outside and Shiv Kumar's family went to Kaku Sharma's house and rebuked him to make his children understand. On this, Kaku Sharma threatened that he will commit suicide by giving name of members Panchayat and also threatened that let his brother come out, who is in jail and then he will teach them lesson. They have grudge in mind regarding this incident. On 30.07.2024 at about 06:30 PM when I and my friend Shiv Kumar had gone to petrol pump, Siwan on motorcycle and when reached near Sheller, Hospital Road, Kaku and Mukul stopped them. When we tried to flee from the spot, Mukul raised lalkara to catch them. On hearing this, Anuj alias Noji son of Ashwani Sharma, Jatin son of Chanderbhan, Rahul son of Ramniwas, Karan son of Bharati, who were standing nearby reached at the spot armed with dandas. Mukul Kaku caught hold my hand, Arju/brother of Kaku gave lathi blow on my head. When my friend Shiv Kumar tried to save me, Jatin, Rahul and Karan started beating him with dandas. When we raised hue and cry, many people gathered there. On seeing them, all assailants fled away

from the spot alongwith their respective weapons. While leaving the spot, they extended threat to kill us in future. Thereafter my father namely Surjeet Singh reached at the spot and by arranging private vehicle, I was taken to Government Hospital, Kaithal. After giving first aid, Doctor referred me to PGI Chandigarh, where I am undergoing treatment. I request you to take legal action against Kaku, Anuj alias Noji, Mukul Rana, Jatin Rahul and Karna. I have written my statement to you in PGI Chandigarh Section 12, read it and understand it. SD Arman/-”.

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case due to previous enmity between the parties. Even, the occurrence had taken place on 06.30 p.m., on 30th July 2024 whereas the FIR has been got registered by the complainant on 2nd August 2024 after a long delay. He further contends that as per the prosecution version, the petitioner had caused an injury with a *danda* to the complainant and to Shiv Kumar. However, the medical opinion with regard to the injury had been manipulated by the complainant in the present case. Even, the injured has already been discharged from the hospital long ago and has been examined as prosecution witness. Thus, there are no chances of tampering with the prosecution evidence as only police officials are yet to be examined in the present case. Learned counsel further submits that one more FIR No. 179 dated 30.04.2023 under Sections

149, 323, 324 and 506 of IPC Police Station Kaithal City was ordered to be registered against the petitioner but the petitioner has already been granted the concession of bail by the Court of Additional Sessions Judge, Kaithal on 17.05.2024.

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

5. In the present case, the petitioner was arrested on 23.09.2024 and is in custody for the last more than 10 months. Arman, injured has already been discharged from the hospital and has also been examined by the trial Court as a witness. Now, the prosecution is yet to examine the official witnesses and the petitioner may not be in a position to influence the prosecution witnesses.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM 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 gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at liberty to move an appropriate application for cancellation of bail granted to the present petitioner.*

(vii) *The concerned Court may insist two heavy local surties 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 and 3rd Monday in English calander month before 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 and 3rd Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him*

shall be liable to be cancelled and the State of Haryana shall be at liberty to move an appropriate application in this regard.

06.08.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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