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

CRM-M-60744-2024

Date of Decision: 11.02.2025

Ashish

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.ShekhawatPresent : Mr. Rajesh Goyal, Advocate
for the petitioner.Ms. Sheenu Sura, DAG, Haryana with
Mr. Narender Kumar Parmar, AAG, Haryana.Mr. Rahul Jaswal, Advocate
for the complainant.

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 to him in case FIR No.531 dated 21.09.2024 registered under Sections 110, 115, 190, 191(3), 324(5), 333 and 351(3) of BNS (under Section 115(2), 117(2) added later on) at Police Station Old Industrial Area, Panipat.
2. The FIR in the present case was registered on the basis of the statement made by Vikas son of Magan Singh and the same has been reproduced below:-

“Statement of Vikas S/o Magan Singh r/o Bhart Nagar, Panipat, age 42, Mobile no. 8950323594, That I am resident of above mention address and doing the work of supplying the chicken. My office situated at Shop No.5, Kacha Camp, Pipal



Mandi, Panipat. Sonu Kundu S/o Sh. Dayanand Kundu, R/o Virar Nagar, Phase-3, Panipat office situated in front of my office. Ashish Malik S/o Sh.Om Parkash Malik, R/o Phase-2, Virar Nagar, office also having there. On 20/09/2024 at about 08:30 PM Sonu Kundu and Ashish Malik drink the liquor on their office, they both had altercation with filthy abuses. I went in their quarrel and tried to solved their dispute and thereafter the settlement was effected between them. At about 09:30 PM Ashish Malik alongwith their companion gave threats to me and made pressure to call Sonu, otherwise they will kill me. When at about 10:30 PM When I went towards my house, then I received a call of Ashish Malik and threatened to produce Sonu in front of me in morning. On 21/09/2024 at about 11:00 AM Ashish Malik, Karan Bairagi and others entered into my office and Ashish Malik took iron rod in his hand and attacked on my head, Karan Bairagi and others also gave me beatings. They also damaged CCTV cameras, which were installed in my office. After that I run away from my office for saving my life. Ashish Malik and Karan Bairagi also committed theft an amount of Rs.3.00 Lakh, which was lying in my office and then they return back.”

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case only on the basis of suspicion. After registration of the FIR, the petitioner was arrested on 26.09.2024 and the challan has been presented against him. He further contends that as per case of the prosecution, Vikas-injured/complainant had suffered three injuries and injury No.2 has been declared to be grievous in nature. However, the grievous injury was suffered by Vikas on his right hand, which is on non-vital part of the body. He further contends that the injured has already been discharged in the present case and the petitioner is not in a position to influence the witnesses of



the prosecution. Learned counsel has made a statement voluntarily that till the examination of the complainant in the present case, the petitioner shall not enter the jurisdiction of District Panipat, except the date of hearing before the trial Court and shall leave Panipat immediately after attending the Court proceedings.

4. On the other hand, status report by way of an affidavit of Deputy Superintendent of Police, HQ, Panipat has been filed by learned State counsel in Court today and the same is taken on record. Learned State counsel, assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is involved in five more criminal cases. However, learned State counsel admits that the petitioner is on bail in all those cases.

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

6. No doubt, five 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 26.09.2024 and the challan has already been presented against him. However, the prosecution has not been able to examine even a single witness and the custody of the petitioner will not serve any meaningful purpose.

7. 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 file an affidavit before the trial Court that he shall not enter in District Panipat, till examination of the complainant in the present case is over. However, on the date of hearing fixed before the trial Court, he shall come to District Court, Panipat to attend the Court proceedings and shall leave the District Panipat immediately after the Court proceedings are over.

(N.S.SHEKHAWAT)
JUDGE

11.02.2025
hemlata

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