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

CRM-M-17235-2025

Date of Decision: 03.04.2025

Tushar alias Kala

...Petitioner

vs.

State of Haryana

...Respondent

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

Present : Mr. Yashveer Kharb, Advocate, for the petitioner.
Mr. Rupinder Singh Jhand, Addl. Advocate General, 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 to him in case FIR No.272 dated 13.05.2023 registered under Sections 148, 149, 323, 324 and 506 of IPC (Charges framed under Sections 307, 323, 324, 506, 201 read with 34 of IPC), at Police Station Old Industrial Panipat, District Panipat.

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

“Copy of written complaint is as such: To SHO Sir, Old Industrial Police Station, Panipat, Sir, I request that I am Vicky Kumar son of Mukeshar Mehato is permanent resident of Village Madarpur, District Siwan, Bihar and is presently residing at Arjun Colony, Kabari Road, Panipat. About 3-3 1/2 years ago, I had a fight with a boy named Deepak, who died, due to which I went to jail. I was in jail for about 20 months and was released on bail in August 2022. Yesterday, around 5 pm, I went from my house to Arjun Nagar Sabzi Mandi, where 4 boys came on a motorcycle, out of which Tota, Bharat Nagar and Kala and 2 other boys with him whose names I don't know, I can identify them if they came in front



and a boy namely Raj who was already standing there with a stick. They attacked me with stick, knife and gandasa. Tota stabbed me in the stomach with knife and Kala and others caught me. When I escaped, Kala hit the Gandasa on my right arm. Viru and Chadno and some other people rescued me. Before leaving, they threatened to kill me and said that today you have been saved. We will kill you again, you have killed our friend. After that my maternal uncle Chotu, my mother and other family members came at the spot and took me to Civil Hospital Panipat for treatment where after first aid the doctors referred me to Kalpana Chawla Hospital, Karnal who then referred me to PGI, Rohtak on which my family members admitted me to Ravindra Hospital, Panipat. Strictest action should be taken against them. I have given my application to you. Vicky Kumar. SD/- Vicky.”

3. Learned counsel for the petitioner contends that the complainant had assigned a false role to the petitioner that he had caused an injury with *gandasa* on the right arm of Vicky Kumar, complainant. Later on, it was alleged that the petitioner was carrying a knife and had caused injuries to the injured. Learned counsel further contends that in fact, the injuries suffered by the injured in the present case were superficial in nature and the offence under Section 307 IPC has been wrongly added in the present case. The petitioner was arrested in the present case on 22.05.2023 and is in custody for the last more than 01 year and 10 months. He has further placed reliance on the orders (Annexures P-3 to P-5, respectively), whereby co-accused, namely, Shubham, Nitin and Sachin have been granted the concession of bail by this Court. Learned counsel further contends that the prosecution has not examined even a single witness so far, just to delay the trial against the petitioner. Even the



injured has already been discharged from the hospital and further custody of the petitioner will not serve any meaningful purpose.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

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

6. It is not in dispute that similarly placed co-accused, namely, Shubham, Nitin and Sachin have already been granted the concession of bail by this Court, vide orders (Annexures P-3 to P-5). The petitioner is in custody for the last 01 year and 10 months and no witness has been examined so far.

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.

03.04.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

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