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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-57744-2024****Date of Decision:31.01.2025****SANDEEP KUMAR**

....Petitioner

VERSUS**STATE OF HARYANA**

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Kushager Goyal , Advocate and
Mr. Himanshu Setia, Advocate
for the petitioner.

Mr. Arjun Lakhpal, Addl.A.G., Haryana.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner in case having FIR No.267 dated 18.07.2024 registered for the offences punishable under Sections 115, 118, 121(1), 122(1), 126 and 351(2) of BNS, 2023 and Section 25 of Arms Act, 1959 (Section 190, 191(2), 191(3) and 118(2) of BNS, 2023 added later on) at Police Station Sadar Sirsa, District Sirsa, Haryana.

2. The allegations in nutshell are that on 17.07.2024 in the evening, complainant Dharam Pal was intercepted by seven unknown



persons, who were riding on three motorcycles and all of them assaulted the complainant with different weapons. During investigation, the petitioner was arrested on 21.09.2024 and he got effected recovery of one motorcycle used in commission of crime.

3. Counsel appearing on behalf of petitioner *inter alia* submits that the FIR in this case was registered against unknown persons, who assaulted complainant and later on the petitioner was falsely nominated as an accused on the basis of supplementary statement of the complainant. That otherwise also no specific injury is attributed to the present petitioner, who is incarcerated for the last more than 4 months and is not involved in any other criminal case and that the trial will commence only after framing of charges and even thereafter it will take considerable time for the trial to conclude. So, prayer is made that petitioner be enlarged on regular bail.

4. The present petition is resisted by the State counsel, who *inter alia* submits that petitioner along with his accomplices caused multiple injuries to the complainant. However, the State counsel has not disputed the fact that grievous injury found on the body of the complainant is attributed to co-accused Suraj, who is also in custody. The State counsel has also not disputed the fact that no specific injury is attributed to the present petitioner and further no weapon was recovered at the instance of the petitioner during investigation and that petitioner is



behind bars for the last more than 4 months and after presentation of challan, now the case is fixed for framing of charges.

5. I have considered the submissions made by the counsel for the parties.

6. In the given circumstances as the grievous injury is not attributed to the present petitioner and further no specific injury is ascribed to the present petitioner and after completion of investigation, challan has been presented by the police but till date charges are not framed and it will take time for the trial to terminate even after framing of charges and further the petitioner is incarcerated for the last more than 4 months, no gainful purpose is going to be served by keeping the petitioner in custody for any longer period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

31.01.2025

Priyanka Thakur

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No