



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

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**CRM-M No.356 of 2025
Date of decision : 14.1.2025**

Vishant

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Manoj Pundir, Advocate and
Mr. Shalender Rana, Advocate, for the petitioner

Ms. Priyanka Sadar, AAG, Haryana

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.306 dated 28.9.2023, under Sections 302, 307, 506, 120-B, 34 of the IPC (during investigation Sections 148, 149 of IPC were deleted and Sections 120-B and 34 of IPC were added), registered at Police Station Kalayat, District Kaithal.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Copy of writing is as under:- To, The SHO, Police station Kalayat, Sir it is requested I Deepak Kumar S/o Dehsraj am resident of village Batta, Patti Badi Aal, District Kaithal. I am a liquer contractor. On 26.09.2023, Shakti son of Jabra resident of village Batta had a dispute with Nakul S/o Beer Singh resident of Batta. In this regard, on the complaint of Nakul a case was registered at police station Kalayat against Shakti and others.



Today on 28.09.2023 at around 4 PM I came out from my house for a walk in the street and went towards dharma wala chowk Batta, Nathwan Patti, then I heard the sound of a fast moving vehicle and two motorcycle were going ahead of the above mention vehicle. In which on one motorcycle Avtar @ Sahil S/O Rajesh, age 17 years, resident of village Batta was riding who is my grandson in relation and on another motorcycle Shakti S/o Jabra resident of village Batta was riding, they both were nervous and was followed by a vehicle whose number HR31K2289 Maruti Ciaz of white in colour and window glasses of same was open. In the said car five boys were sitting with sticks in their hands, were shouting from the window of the car. Ajay S/o Om Parkash resident of was driving the said car and driver of car along with his associates hit the motorcycle of Sahil from behind with the intention to kill Shakti and Sahil, due to collision Sahil fallen down in the street with his motorcycle and shakti suddenly turned his motorcycle to the left side street, to save himself from the vehicle. From the car, Nakul S/o Beer Singh, Yogesh @ Chiku S/o Shyamlal, Ajay S/o Om Parkash, Honey S/o Shiv Kumar @ Kaka, residents of Batta and Nakul's maternal uncle's son Nishant Rana got out with sticks in their hands and checked Sahil and said that he is dead now they will kill Shakti and his other friends and fled away from the spot in car with their sticks. I reached at the spot and managed Sahil and me and my family members after arranging a private vehicle brought Sahil to Cygnus Hospital, Kaithal, where doctors checked Sahil and declared him dead. The above-mentioned people made conspiracy and with the intention of killing both of them, they hit him with the car and Shakti survived because of turning his motorcycle but he was threatened to kill. Strict legal action should be taken against the accused. Sd/- Deepak Kumar S/o Deshraj, resident of Badi Aal, Patti Batta, District Kaithal.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 2.10.2023. Learned counsel has further submitted that, assuming *arguendo*, the case of the prosecution is taken to be correct, the only role attributed to the petitioner is that he was sitting in the car in question which has allegedly hit the deceased on account of which he has passed away. Learned counsel has further submitted that it is not the case



of the prosecution that the petitioner was driving the car in question which is stated to have allegedly hit the deceased. Learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated into the FIR in question on account of a rivalry between another co-accused namely Nakul and the complainant-side. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 13.1.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 2.10.2023 whereinafter investigation was carried out and challan stands presented on 13.12.2023. Total 33 prosecution witnesses have been cited out of which only one witness namely the FIR-complainant has been examined in-chief whereinafter application under Section 319 of Cr.P.C. has been preferred for summoning of additional accused. It is thus, indubitable, that culmination of trial will take long. The rival contention of learned counsel for the parties; as to what is the exact role of the petitioner into the alleged offence, whether the petitioner is culpable for the alleged offence by virtue of Sections 120-B, 34 of IPC, as also whether the petitioner has been falsely implicated into the FIR in question on account of a rivalry



between co-accused namely Nakul (who is cousin of the petitioner) and the complainant-side; shall be gone into during the course of trial. These are essentially matters debatable issues which have to be ratiocinated upon during trial proceedings. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 13.1.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of more than one year and three months.

As per the said custody certificate, the petitioner is said to be involved in other FIR(s) also. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on



29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191.*

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the



petitioner.

- 9. Ordered accordingly.
- 10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

14.1.2025
Ashwani

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