

CRM-M-3581-2025

2025:PHHC:132261



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: September 23, 2025

Rohit

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Ashish Tewatia, Advocate for the petitioner.

Mr. Deepak Kumar Grewal, DAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of regular bail to the petitioner in case bearing FIR No.4 dated 02.01.2022, registered for the offences punishable under Sections 302, 307, 323, 459, 394, 397, 460, 325, 34 of the Indian Penal Code, 1860 (for short 'IPC') and Section 25 of the Arms Act, 1959 (for short 'Arms Act'), at Police Station Saran, District Faridabad.

2. The gravamen of the allegations against the petitioner is that Akash, along with Monu and Rambir, were working as masons at a house under construction in Faridabad. On 02.01.2022, at around 3:00 a.m., they were allegedly attacked by unknown assailants while sleeping, resulting in the deaths of Akash and Rambir. During investigation, the injured Monu stated that the attackers, armed with a knife and a sickle, demanded cash and his mobile phone, and identified the assailants as Rohit (the petitioner) and Pankaj.

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Subsequently, the petitioner and Pankaj were apprehended, Rs. 500/- was recovered, the place of occurrence was demarcated, and from the petitioner, a hammer used in the offence and a Realme mobile phone of the deceased were recovered.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 06.01.2022. Learned counsel has further submitted that the petitioner has been falsely implicated into the FIR in question. Learned counsel has also argued that co-accused of the petitioner, namely, Pankaj @ Prince has already been granted concession of regular bail by the co-ordinate Bench of this Court vide order dated 03.12.2024 passed in *CRM-M-24925-2024*. Learned counsel has further iterated that the petitioner has suffered incarceration of more than 03 years. Thus, regular bail has been prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 22.09.2025 in the Court today, which is taken on record.

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

6. The petitioner was arrested on 06.01.2022 whereinafter investigation was carried out and challan was presented on 21.03.2022. It is not in dispute before this Court that total 29 prosecution witnesses have been cited, and out of which, only 04 have been examined till date. The rival contentions raised at Bar give rise to debatable issues, which shall be gone into during the course of trial. 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

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has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 22.09.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 03 years, 08 months and 16 days. Further, as per the said custody certificate, the petitioner is stated to be involved in other FIR(s). 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.

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- (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 cellphone 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/Illaqa 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.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

September 23, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No