



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

237

**CRM-M No.4955 of 2025
Date of decision : 27.3.2025**

Surinder Kumar @ Sonu**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Manjinder Singh Saini, Advocate, for the petitioner
Mr. Inderjit Singh Ladher, DAG, Punjab

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.45 dated 20.2.2024, under Sections 307, 186, 353 of the IPC and Section 25/27 of Arms Act, 1959, registered at Police Station Dasuya, District Hoshiarpur.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Incharge, Police Station Dasuya, Today myself SI/Station House Officer along with ASI Sarabjit Singh/602,, HC Neeraj Badial/1598, PC Ashutosh 1682, PHG Amandep Singh No.26044 on private vehicles were present at bus stand Safdarpur in connection with patrolling and search of suspicious elements, then at around 2.30 PM, special informer came present and has informed that Raj son of, Balkar Singh@ Bara son of Manpreet Singh son of Mukhtiar Singh, Harpreet Singh Happy son of Mukhtiar Singh, all residents of village Budhawala Police Station Bhaini Miyan Khan, Ram Lubhaya @ Thomas son of Ram Sarup resident of



Talwara, Sona and Ghuggi residents of Mohalla Kaintha, Dasuya Police of a Station Dasuya District Hoshiarpur are doing the work of selling intoxicant material on the bank of river near village Passi Bet and they also having weapons. Today also, the above said persons are supplying drugs to their customers on the bank of river near village Passi Bet who can be apprehended along with weapons. Therefore myself SI/ Station House Officer has informed my associate officials about the said secret information and reached at the place intimated by secret informer, then the above said persons have made firing on the police party with their respective weapons with the aim to kill us, the police party have saved themselves by laying on the ground. The above said persons ran away from the spot while making fires with their respective weapons with the aim to kill the police party. The above said persons have committed offence under section 307,353,183 of IPC and section 25,27/54/59 of Arms Act by making fires on the police party as well as making interruption in the government duty of the police party.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 24.3.2024. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question on account of a rivalry with a person (who has proximity with the police). Learned counsel for the petitioner has further argued that offence under Section 307 of IPC is not made out from the factual matrix of the case as no injury was caused to anyone. Thus, regular bail has been 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 25.3.2025 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 24.3.2024 whereinafter investigation was carried out and challan was presented on 16.5.2024. Charges have been framed in the trial on 29.11.2024 wherein total 14 prosecution witnesses have been cited but it is a common ground that no witness has been examined till date. The rival contentions giving rise to debatable issues which shall be essentially ratiocinated 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 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 25.3.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of eleven months and twenty-six days.

7. As per the said custody certificate, the petitioner is stated to be involved in two more FIRs. 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.

8. 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/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. 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.

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

(SUMEET GOEL)
JUDGE

27.3.2025
Ashwani

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