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

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CRM-M-11173-2025 (O & M)

Date of decision: 30.10.2025

SHISHPAL SHARMA

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Rakesh Nehra, Sr. Advocate with
Mr. Pankaj Kaushik, Advocate and
Ms. Bindu Tanwar, Advocate,
for the petitioner.

Mr. Rakesh Kumar Jangra, AAG, Haryana.

Mr. Randeep Singh Dhakla, Advocate,
for the complainant.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 439 Cr.P.C.
is for grant of regular bail to the petitioner in case FIR No.140 dated
16.05.2024, registered under Sections 148, 149, 323, 452, 307, 302 and
506 IPC, at Police Station Nigdhu, District Karnal.

2. Learned Senior Counsel contends that the petitioner has been
in custody for 1 year and about 2 months. He alleges false implication.
Even otherwise in the FIR, he is merely shown to be going towards the
place of occurrence with a *lathi*, however, fatal injury has been attributed
to his son. He as also his wife, who was granted anticipatory bail by this

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Court, vide order dated 30.08.2024, have been roped in by casting a wide net. Charges were framed on 21.01.2025, however, out of 27 PWs, 3 including the father of the deceased, stand examined and now, an application under Section 319 Cr.P.C., has been filed to summon those who were declared innocent during investigation. He is involved in one other case under NI, Act, wherein he is on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate dated 29.10.2025, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 01 year, 01 month and 28 days.

4. Learned State counsel assisted by learned counsel for the complainant opposes the bail on the ground that there are specific allegations against the petitioner, who was going towards the place of occurrence and his son had committed the crime. However, he is unable to controvert the submissions with regard to stage of the case and the petitioner being on bail in other case.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged

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and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc.”

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 1 year, 1 month and 28 days; charges stand framed on 21.01.2025, 3 including the father of the deceased, out of 27 PWs have been examined; the trial is likely to take a considerable time and further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial

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Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.

(viii) The petitioner shall not leave the country without prior permission of the trial Court.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

9. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

10. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

30.10.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No