



CRM-M-11700-2025 (O&M) -1-

151+216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1) CRM-M-11700-2025 (O&M)
Date of decision: 11.12.2025

ASHUTOSH @ ASHUTOSH SAINI
@ ASHU ...PETITIONER
VERSUS

STATE OF HARYANA ...RESPONDENT

2) CRM-M-48776-2025 (O&M)

SAGAR @ GOLU ...PETITIONER
VERSUS

STATE OF HARYANA ...RESPONDENT

CORAM: HON’BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. R.N.Lohan, Advocate with
Ms. Shivani Mishra, Advocate and
Ms. Manish Kundra, Advocate
for the petitioner in CRM-M-11700-2025.

Ms. Kadambari Bhan, Advocate with
Mr. Rampal Verma, Advocate and
Mr. Vivek Dahiya, Advocate for the petitioner in CRM-M-48776-2025.

Mr. Tanuj Sharma, AAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

CRM-50088-2025 in CRM-M-11700-2025

Allowed as prayed for.

CRM-34949-2025 in CRM-M-48776-2025

Allowed as prayed for.

Main case

1. In the above mentioned petitions common question of law and facts are involved, so both the petitions are being disposed of by a common judgment. For brevity, facts are being taken from CRM-M-11700-2025 titled as “Ashutosh @ Ashutosh Saini @ Ashu Versus State of Haryana.”

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2. Petitioner(s) have approached by way of filing the present petition praying for grant of regular bail in case bearing FIR No.208 dated 03.10.2024 under Sections 115, 3(5), 326(g), 351(2) of BNS, 2023, registered at Police Station City Safidon, District Jind.

3. Succinctly the facts of the case is that the FIR in the present case was lodged on the statement of Suresh Kumar-complainant wherein it was alleged that he is the owner of a shop in the name of Shanti Book Depot. On 02.10.2024, at about 08:00 PM, he closed the shop and returned to his house. However, at about 03:00 AM, the watchman called and informed him that his shop was on fire. He along with his brother-in-law Rakesh Kumar rushed to the spot and saw the shop was burning. They tried to extinguish the fire. In the meantime, Police was also informed. After 15-20 minutes, two boys came on one motorcycle. One of them was holding a two litre bottle of petrol and they poured the same in the shop and set it on fire again. It was alleged that he recognized one of the boys to be Ashu (petitioner in CRM-M-11700-2025). It was alleged that he refused to marry his daughter with Ashu and on account of this, they set his shop on fire. Request was made to take legal action against the petitioner(s). FIR was registered and investigation commenced. Petitioners were arrested on 03.10.2024 and 11.12.2024. On completion of the investigation, the challan was presented. On framing of charges, trial commenced. The complicity of the petitioner, namely, Sagar @ Golu (in CRM-M-48776-2025) is surfaced on the basis of disclosure statement of co-accused, Ashu. They approached the learned Additional Sessions Judge, Jind for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Additional Sessions Judge, Jind declined the bail applications vide orders dated 15.02.2025 and 16.05.2025



for the grant of bail by way of filing the present petitions.

4. Learned counsel for the petitioner(s) have vehemently contended that petitioner(s) have been falsely implicated in the present case. They further submit that the petitioner(s) have been arrayed as accused in a clandestine manner. They further submit that the shop caught the fire in the night and thereafter, in a due and deliberate manner, the FIR was registered and petitioner(s) were named in the FIR. They have drawn attention of this Court to the deposition of eye-witness, namely, Rakesh Kumar i.e. brother-in-law of the complainant who has deposed in a cross-examination that he had not seen anyone at the scene of crime, when he reached there, he also deposed that the shop had caught fire due to short circuit. They further submit that the petitioner(s) have no criminal antecedents as they are never involved in any other case of similar nature. The petitioner(s) are behind bars since 03.10.2024 and 11.12.2024. They further submit that the material witnesses have already been examined and thus, there are no probabilities of influencing the eye-witnesses. They further submit that in the facts and circumstances, the petitioner(s) deserve to be granted regular bail.

5. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner-Ashutosh @ Ashutosh Saini @ Ashu (in CRM-M-11700-2025) has been duly named in the FIR and he has been identified by the complainant. He further submits that Ashutosh @ Ashutosh Saini @ Ashu had a strong motive as the complainant has refused to marry his daughter with him. He further submits that the complainant has been examined and he has duly supported the case of prosecution. On instructions, out of total 13 prosecution witnesses, only 02 has been examined so far i.e. complainant and one eye-witness. He has produced custody certificates of

the petitioner(s) today in the Court and the same are taken on record.



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6. Heard.

7. On hearing learned counsel for the parties and perusing the record, it is deciphered that the FIR in the present case was lodged on 03.10.2024. The petitioner(s) were arrested on 03.10.2024 and 11.12.2024. Though, the counsels for the petitioner(s) have argued on the contradictions made by the complainant and that by the eye-witness, namely, Rakesh Kumar. However, this Court refrains from commenting upon the same, as it squarely falls within the domain of the trial Court. from Custody certificates produced would show that the petitioner, namely, Ashutosh @ Ashutosh Saini @ Ashu has completed an incarceration of 01 year, 02 months and 07 days as on 10.12.2025 and he is not involved in any other case whereas petitioner, namely, Sagar has completed incarceration of 11 months and 29 days as on dated 09.12.2025 and he is involved in one more case under Negotiable Instruments Act, however, he is on bail in that case.

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time.

9. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner(s) succeed in making out a case for grant of regular bail. Accordingly, the present petitions are allowed. Petitioner(s) are ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

11.12.2025
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(RAJESH BHARDWAJ)
JUDGE

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