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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision: 27.03.2025

ANIL ALIAS KALU

.. Petitioner

Vs.

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Pawan Kumar Hooda, Advocate for
Mr. Harender Singh, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

...

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.210 dated 26.10.2024, registered for the offences punishable under Sections 109(1), 115, 3(5) and 351(3) of BNS, 2023 and Sections 25/27 of Arms Act, 1959 at Police Station Lakhan Majra, District Rohtak.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“To, SHO Sahab. Police Station Lakhan Majra. Sir, it is requested that, I Ravinder Kumar s/o Dayanand Singh is resident of village Bainsi. I have a tea stall on my own land, 5 kms away from 152D highway just after village Bainsi truck had on punctured exiting Meham road. in front And of the a my stall. The puncture repairer was repairing the puncture there. Then Anil alias Kalu S/o Sube Singh (who is also called as Bhootle) of village Nindana came there and started saying who has parked this vehicle here on the road. Who is he? He started abusing and filthy language. Then I Ravinder S/o Dayanand said that Bhai Sahab he is just repairing the puncture in the vehicle. He said that you have become a Chaudhary. And he was carrying a pistol with him. He said that he will shoot me but he did not fired. He started fighting and he called his friend and his brother Rajesh by doing phone call and they beat me up. I dialed 112 and people gathered and the respectable persons done the elders/written compromise between us and after that we resumed our work. Then after 1 hour 3 persons came on a bike in which I recognize Kalu S/o Sube Singh. I did not recognize the other two persons.

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As soon as they came, they started firing on me. They fired 4 rounds and I started running, then companions caught me and injured me with jelly and rod and then they left me and went away while threatening to kill me. I request you to take strict action against Anil alias (Kalu) s/o Sube Singh resident of Nindana and his two companions, whom I can recognize if they brought before me. Strict action should be taken against them. Sd/ Ravinder Mob. 9829315949.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 14.11.2024. Learned counsel for the petitioner has further submitted that the petitioner has been falsely implicated into the FIR in question on account of influence of the complainant. Learned counsel for the petitioner has further iterated that the complainant has about 8 FIRs registered against him. Learned counsel for the petitioner has further submitted that the offence under Section 109 of BNS is not made out against the petitioner as no firearm injury whatsoever has been caused to the complainant. In fact, only simple injuries are stated to have been caused to the complainant in the MLR. Learned counsel for the petitioner has further submitted that the petitioner is a man aged 46 years with no criminal antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

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

6. The petitioner was arrested on 14.11.2024 whereinafter investigation was carried out & challan was presented on 21.01.2025. Total 16 prosecution witnesses have been cited out of which none has been examined till date. It is indubitable that the culmination of the trial, but of course, will take its own time. The contentions raised by rival parties give rise to debatable issues which shall be ratiocinated upon during the course

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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 the custody certificate dated 26.03.2025 filed by the learned State counsel, the petitioner has suffered incarceration for more than 04 months and 11 days & is not shown to be involved in any other case. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant 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 cellphone number to the Investigating Officer/SHO of concerned Police

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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.

27.03.2025
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No