



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

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**CRM-M No.14623 of 2025
Date of decision : 26.3.2025**

Gul Bahar**.....Petitioner****Versus****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Anil Kumar Malik, Advocate, for the petitioner

Mr. Neeraj Sheoran, DAG, Haryana

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.01 dated 02.01.2024, under Sections 392, 397, 323, 201, 506, 120-B of the IPC and Section 27 of Arms Act, 1959, registered at Police Station Chandni Bagh, District Panipat.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'It is submitted that I Parmod kumar S/o Ramchander Resident of 105/7, Sanoli Road Panipat Tehsil & Distt. Panipat and doing the work of selling the egg on shop at Sanoli road Panipat. I have the house on upper floor, In which, I and my wife shiksha lives in 1st floor. On the second floor, My daughter-in-law and two grand sons Ujjwal and Manik lives. Today, on 01.01.2024, at about 7.45 PM, I and my wife shiksha were sitting in the



shop. At that time 4 persons, who had covered their faces. All of them said, we came here to take money. Give us money, otherwise, we will kill you. In the meantime, one of them, pointed the country made pistol on my head and other boy put the knife on the neck of my wife. They snatched the phones both of us. They gave pistol butt blow on the eyes of the complainant. Due to that I received injuries on the upper side of eye and started bleeding. Then they dragged him and his wife in the rear portion of the shop and gagged with plastic tape. They snatched 18,000/- from his pocket and snatched two silver rings from me and snatched forcibly one silver rings and one gold ring from my wife. The compliant tied with chair. Two culprit entered in the house of upper floor. They broken the door of almira. But there was no cash or ornaments in that. Other culprit also went on the 1st floor. Thereafter, they fled, while taking away about Rs 5000/- from the cash box of his shop and threw one phone inside the shop. He prayed for legal action against the culprits. Sd/- Parmod Kumar Dated 02.01.2024.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 28.2.2024. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question, on account of a monetary dispute between the complainant-side of the instant FIR and one of the co-accused in the FIR. Learned counsel for the petitioner has further iterated that the said monetary dispute has been resulted in filing of a complaint under Section 138 of the Negotiable Instruments Act, 1881 by co-accused namely, Parveen @ Parveen Kadian against Nitin Sharma (son of the FIR-complainant). Learned counsel has further submitted that one co-accused namely Parveen @ Parveen Kadian, who is similarly situated as the petitioner, has already been extended the concession of regular bail by this Court on 4.2.2025 in CRM-M No.2365 of 2025. Learned counsel for the petitioner has, thus, pressed for grant of bail to the petitioner.



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 28.2.2024 whereinafter investigation was carried out and challan stands presented on 26.4.2024. Total 22 prosecution witnesses have been cited out of which only 3 have been examined till date. The culmination of the trial, but of course, will take its own time. The rival contentions of learned counsel for the parties shall be indubitably 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 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 one year and 25 days.

7. As per the said custody certificate, the petitioner is stated to be involved in another FIR No.217 of 2021 registered under Section 60/63 of Excise Act and Section 120-B of IPC. 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 Suypreme Courty 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

26.3.2025
Ashwani

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