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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: August 20, 2025

Tinku alias Rahul

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Namit Khurana, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG 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.377 dated 22.04.2024, registered under Sections 148, 149, 323, 324, 302, 506 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station City Yamuna Nagar, District Yamuna Nagar.

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

“Statement of Akash son of Shri Aman Kumar, resident of 1001, Balaji Nagar, Dera Bassi, Police Station Derabassi, District Mohali Punjab age 24 years Mobile No.9781842073. It is stated that I am resident of the above mentioned name and address and I work as a Recovery Agent in AK Associates Company, Zirakpur and my maternal uncle's son Abhishek @ Rishu son of Manoj Kumar, resident of Hanuman Colony Chitta Mandir Yamuna Nagar, District Yamuna Nagar age 24 years also works as a recovery agent with me and lives in a rented room in Zirakpur with his family.

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Abhishek @ Rishu had a love marriage with Nisha daughter of Jagir Singh, resident of Gadhauli Colony, Yamuna Nagar, about a year ago, due to which the people of Abhishek @ Rishu's in-laws' side had a grudge against each other. On 21.04.2024, Abhishek @ Rishu's maternal uncle's daughter Sonia got married, to attend which I and Abhishek alias Rishu had also come with our families. After the girl's farewell, I, Abhishek @ Rishu and Shashikant S/O Om Shankar Tiwari, resident of Hanuman Colony, Yamuna Nagar, age 24 years, all three were sitting in Abhishek @ Rishu's car number HP81-1919, brand Tata Tiago, in the street outside the house, when at about 10.15 PM, five boys came on two motorcycles with sharp weapons in their hands and attacked all three of us with the intention of killing us. First of all Channa Singh @ Chinu Gujar and Sachin @ Anupam Gujar sons of Jagir Singh, residents of Gadhauli Colony, Yamuna Nagar attacked Abhishek @ Rishu, who was sitting on the driver's seat, with knives and swords. First of all Channa Singh @ Chinu Gujar and Sachin @ Anupam Gujar sons of Jagir Singh, residents of Gadhauli Colony, Yamuna Nagar attacked Abhishek @ Rishu, who was sitting on the driver's seat, with knives and swords. At the same time, Aryan Sharma, Rahul alias Tinku sons of Jaswinder Sharma, residents of Gadhauli Colony, Yamuna Nagar, attacked me with knives and swords. Their fifth companion Abhishek, a resident near Khalsa College, Yamuna Nagar, attacked Shashikant, who was sitting on the back seat, with a knife and sword and after that, all five attackers attacked us with bricks and stones as well. When we shouted "Mar Diya - Mar Diya", hearing our shout people gathered at the spot and all the attackers fled from the spot with their weapons and they were also threatening to kill us. Our family members admitted us for treatment at Civil Hospital Yamuna Nagar where the doctor referred us due to severe injuries. Thereafter our family members brought us to Gaba Hospital Yamuna Nagar for treatment. During treatment Abhishek @ Rishu above mentioned died due to injuries sustained in the fight. I and Shashikant are admitted for treatment at Gaba Hospital Yamuna Nagar. The attackers Channa Singh @ Chinu Gujar, Sachin @ Anupam Gujar, Aryan Sharma, Rahul alias Tinku and Abhishek aforesaid attacked me, Shashikant and Abhishek @ Rishu with knives and guns. Abhishek alias Rishu aforesaid died due to the injuries sustained in this fight. Channa Singh @ Chinu Gujar's motorcycle number is HR02-AZ-2221 brand Splendor. You are requested to take legal action against Channa Singh @ Chinu Gujar, Sachin @ Anupam Gujar, Aryan Sharma, Rahul alias Tinku and Abhishek. I have got my statement recorded in Gaba Hospital, Yamuna Nagar, which has been heard and is correct."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 22.04.2024. Learned counsel has further argued that the petitioner has been attributed omnibus role. Learned counsel has iterated that the petitioner is a young man aged 21 years with no criminal antecedents. It has further been iterated that prime prosecution witness, namely Akash

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(FIR/complainant) and PW – Shashikant (injured) have turned hostile. Thus, regular bail is 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 19.08.2025 in the Court today, 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 22.04.2024 whereinafter investigation was carried out and challan was presented on 05.07.2024. Total 17 prosecution witnesses have been cited, and only 06 have been examined till date. It is not in dispute that all the private prosecution witnesses have been examined. The rival contention raised at par give rise to debatable issues; including the weightage required to be attached to the testimony of the hostile witnesses, shall essentially be ratiocinated upon 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.

6.1. As per custody certificate dated 19.08.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period

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of 01 year, 03 months and 25 days. The petitioner is a young man aged 21 years, & is not shown to be involved in any other case/FIR.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. 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 cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the CJM/ Duty 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.

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- 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.

(SUMEET GOEL)
JUDGE

August 20, 2025
mahavir

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