

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

2025:PHHC:078541



225

CRM-M-17797-2025

Date of decision: 03.07.2025

Aatma Ram

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Satbir Singh Gill, Advocate for the petitioner.

Mr. Vikram Singh, AAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.209 dated 05.11.2024 registered for the offences punishable under Sections 309(4) of BNS, 2023 at Police Station Baragudha,, District Sirsa.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“To The SHO, Police Station Baragudha, Sirsa, Subject: Regarding robbing money from the medical shop and threatening to kill, against Sattu son of Om Prakash resident of Khyowali and his two other unknown companion for robbing money from the medical shop and threatening to kill. Sir, I request that I am Puran Chand

son of Ramhet Verma resident of Panjuana, I run a medical shop named Ekta near village Shekhupuria bus stand. Yesterday on 4.11.2024 at around 8 pm in the evening, I Puran Chand and Kuldeep Singh son of Prem Kumar resident of Dhani Khyowali who has been working with me for the last 2 months. We both were present in the medical and were preparing to go home, meanwhile three youths came on a motorcycle and entered my shop, who had sharp knives and axes in their hands. One of them had a knife and two had Knife and Datar. They took away Rs 10,000 from my counter's drawer and while leaving they said that if you tell anyone then we will kill you. Sir, we searched for those boys on our own and identified one boy from those three, whose name is Sattu son of Omprakash caste Rai Sikh resident Dhani Khyowali. Kindly investigate this matter and take strict legal action against the said youths. Sd/-Applicant Pooran Chand son of Ramhet Verma resident of Panjuana Sirsa Mobile No. 9518895218. 05/11/24. Today, on receipt of the application at the police station, on the basis of the application, it was found that the offence under section 309(4) of BNS has been found to have been committed, after registration of FIR no. 209, dated 05.11.2024, under Section 309 (4) BNS at Baragudha police station. A copy of the case file, along with the original application, I ASI departed for place of occurrence alongwith Constable Manoj Kumar no. 1400 and complainant. Copies of the FIR were prepared and are being forwarded to Magistrate and senior officers.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 26.11.2024. Learned counsel for the petitioner further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further submitted that the statement of the complainant already stands recorded as a prosecution

witness and a bare perusal of his testimony indicates that the said witness has not identified the petitioner. Thus, regular bail is prayed for.

4. Counsel for the State 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 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 26.11.2024 & thereafter investigation was carried out and challan was presented on 27.01.2025 wherein total 11 witnesses have been cited, out of which 4 only have been examined. It is not disputed that the complainant already stands examined and he has not identified the petitioner. The rival contentions of the learned counsel for the parties; as to the whether the petitioner has been falsely implicated into the FIR in question as also the material discrepancies (if any) in the testimony of the prime prosecution witness namely the victim; shall be 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 rights of either of the parties. Nothing tangible has been brought forward to indicate the likelihood of the appellant absconding from the process of justice or interfering with the remaining prosecution evidence.

As per the custody certificate dated 03.07.2025 filed by the learned State counsel, the petitioner has suffered incarceration 7 months and 7 days. Further, as per the said custody certificate the petitioner is stated to be involved in another FIR under Section 379A of IPC. 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 Supreme Court 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, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned 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.
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.

(SUMEET GOEL)
JUDGE

July 03, 2025
Naveen

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