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CRM-M-18921-2025 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-18921-2025 (O&M)

Date of decision: August 12, 2025

Suresh

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Ankit Chahal, 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 bearing FIR No.196 dated 15.07.2024, registered for the offences punishable under Sections 110, 115, 190 and 191(3) of the Bharatiya Nyaya Sanhita, 2023 (for short ‘BNS’) (Sections 190 and 191(3) of BNS deleted and Sections 109(1), 118(2) and 3(5) of BNS, 2023 added later on), at Police Station Barauda, District Sonipat.

2. The gravamen of the allegations against the petitioner is that complainant, namely, Neeraj alleged that the petitioner used to visit the house of his sister-in-law, due-to-which, their image in society was being tarnished. The complainant objected to the same, due to which, the petitioner exchanged hot words with him. It has been alleged that in order to take revenge, on 14.07.2024, at about 8:30 AM, the petitioner, Anbil s/o Rajbir, Pillu @ Jitender s/o Dharma, Kalu s/o Randhir, Sunil and Bholu, while hatching a conspiracy,

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attacked the complainant with axe and *farsa*. They inflicted injuries on his head. When the complainant's brother Nasib came to rescue him, then, they all attacked him as well. They all pushed the complainant's mother.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel further argued that the petitioner is in custody since 16.07.2024. Learned counsel iterated that case in hand is one of version and cross-version and, pursuant to the order dated 09.07.2025 passed by learned JMIC, Gohana, Sonipat, an FIR has been registered against the present FIR/ complainant's side. Learned counsel further iterated that both the injured, namely, Nasib and Neeraj have been examined and thus, there is no likelihood of the petitioner interfering with the substantial prosecution evidence. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 11.08.2025 in Court, which is taken on record.

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

6. The present petitioner was arrested on 16.07.2024, whereinafter, investigation was carried out and the challan was presented on 11.09.2024. Total 15 prosecution witnesses have been cited, but only 02 have been examined till date. It is thus, indubitable that conclusion of trial will take long. The rival contentions raised at Bar give shall be gone into during course of the

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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 11.08.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 01 year & 26 days, & 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

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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

August 12, 2025
mahavir
Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No