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

297-2

CRM-M-21627-2025 (O&M)
Date of decision : 12.11.2025

Mohit

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Parminder Singh, Advocate
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

Mr. Ashit Malik, Senior Advocate with
Mr. Abhinav Kansal, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner
in case bearing FIR No. 41 dated 29.01.2023, registered under Sections 148,
452, 323, 325, 302, 307, 379, 506, 201 and 149 of IPC and Section 25 of the
Arms Act at Police Station Murthal, District Sonipat.

2. As per the allegations, on 29.01.2023, on receipt of an
information qua an altercation having taken place at village Buktawarpur
and one Dheeraj and his mother Krishna Devi having sustained serious
injuries and further that they were taken to hospital, a police party headed by
Hari Om reached at the spot of occurrence. Injured eyewitness Om Parkash
met the police party but did not record his statement. On the same day, a
written complaint was submitted by Neeraj son of aforesaid Om Parkash

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alleging that in the morning of that day, he had gone to village Badoli, when his wife telephonically informed him that the petitioner along with other co-accused and two unknown persons had entered into their house. The accused persons were armed with different weapons. She told him that they were assaulting his brother Dheeraj and parents and they had sustained injuries. On receipt of this information, the complainant rushed to his house and found his brother and parents to be in injured condition. Initially, a case under Sections 148, 452, 323, 325, 307, 379, 506, 201 and 149 of IPC and Section 25 of the Arms Act was registered. Investigation proceedings were initiated. Victim Dheeraj succumbed to his injuries on 30.01.2023. Post-mortem examination of the dead body of the victim and inquest proceedings were conducted. Offence under Section 302 of IPC was added. Accused persons were arrested and recoveries of weapons of offence were effected. Investigation now stands completed. On 26.10.2023, the petitioner was arrested on the allegations that he had also reached at the spot on the fateful day and after the occurrence, when co-accused Baljit and Parvesh had removed the DVR of CCTV camera installed in the house of the complainant and they had taken the same to the house of the present petitioner. He had arranged petrol from his motorcycle and had facilitated the burning of said DVR. Investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is neither named in the FIR nor was present at the spot of occurrence. No injury whatsoever has been attributed

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to him. He has been nominated and arrested in this case on the basis of disclosure statement of co-accused suffered after a gap of about 09 months from the date of registration of the FIR. He has clean antecedents. He is in custody for a period over 02 years. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. It is, thus, urged that the petition deserves to be allowed and the petitioner deserves to be released on bail.

4. *Per contra*, learned State counsel, assisted by learned counsel for the complainant, has vehemently argued that keeping in view the allegations levelled against the petitioner, he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has considered the submissions made by both the sides.

6. The petitioner was not named in the FIR. No injury on the person of the deceased or his mother has been attributed to him. The only allegation against him is that he had provided petrol to co-accused Baljit and Parvesh for burning/destroying DVR taken from the CCTV camera installed in the house of the complainant. He was nominated on the disclosure statement of co-accused allegedly suffered long time after the occurrence. He is in custody since 26.10.2023. He has clean antecedents. Trial would obviously take time to conclude. Keeping in view the nature of the allegations levelled against him, the part attributed to him, his clean antecedents, the period spent by him in custody, this Court is of the considered opinion that a case has been made out for his release on bail.

Accordingly, the present petition is allowed. The petitioner is ordered to be

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released on regular bail, subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the trial Court/Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) he shall deposit his passport, if any, with the learned trial Court and shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) he shall appear before the learned trial Court as and when directed.
- (iv) he shall provide his address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.
- (v) the petitioner shall upon his release give his mobile phone number to concerned IO/SHO and shall keep his mobile phone switch on all times.

7. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

8. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

12.11.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No.
Yes/No